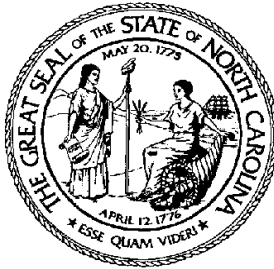


*North Carolina
Sentencing and Policy Advisory Commission*

**CORRECTIONAL PROGRAM
EVALUATION:
OFFENDERS PLACED ON PROBATION
OR RELEASED FROM PRISON
IN FISCAL YEAR 1998/99**

Prepared By

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*Project Conducted in Conjunction with the
North Carolina Department of Correction*

Submitted Pursuant to Session Law 1998-212, Section 16.18

April 15, 2004

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North Carolina Sentencing and Policy Advisory Commission

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EXECUTIVE SUMMARY

Introduction

In 1998 the North Carolina General Assembly directed the Sentencing and Policy Advisory Commission to prepare biennial reports evaluating the effectiveness of the State's correctional programs (1998 Session Law 212, Section 16.18). This study constitutes the third report in compliance with the directive and includes a number of major methodological improvements. While using the same sample of 58,238 offenders released from prison or placed on probation in FY 1998/99 as the Commission's 2002 report, this study extends the follow-up period of the cohort from two years to four years to assess their long term recidivism. The study also expands the definition of recidivism beyond rearrest and reconviction to include technical probation revocation and (re)incarceration. Finally, in addition to the regularly provided rearrest rates, the report provides an estimated rate of rearrest based on an offender's actual time at risk during that follow-up period (*i.e.*, adjusted rearrest rates).

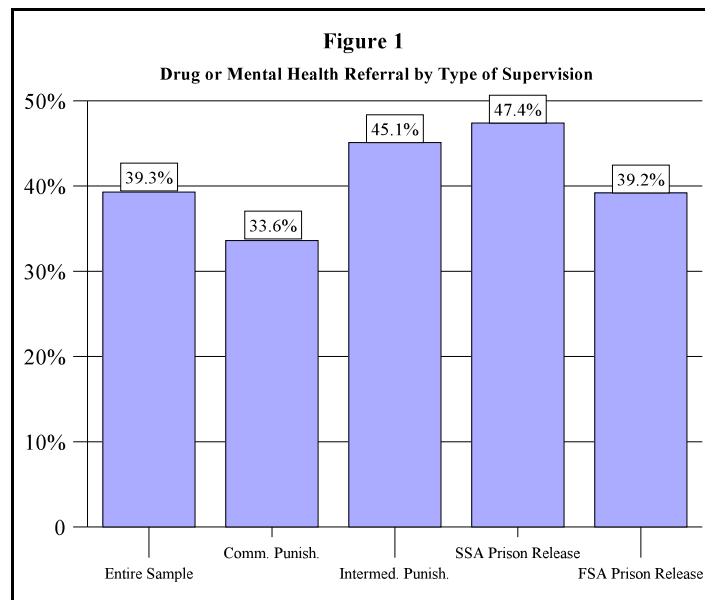
Data Sources

Data for offenders in the sample were provided by the Department of Correction's (DOC) OPUS database, the State Bureau of Investigation's Division of Criminal Information (DCI), the Department of Health and Human Services (DHHS), and the Employment Security Commission (ESC). Additional information was obtained from interviews and written materials collected during site visits to a representative set of probation offices statewide, to study the probation revocation process, and the DART Cherry facility, to describe the 90-day component of the residential drug treatment program.

Statistical Profile of the FY 1998/99 Sample

The sample of 58,238 offenders included 50% community probationers, 18% intermediate probationers, 23% SSA prisoners and 9% FSA prisoners, all placed on probation or released from prison during FY 1998/99. Eighty percent of the offenders were male, 57% were black, 15% were married, and 48% had twelve or more years of education. Their average age was 29.

DHHS data, available for the first time for this analysis, indicated that 39% of the sample had at least one drug or mental health referral to local resources somewhere between their sixteenth birthday and the end of the study's

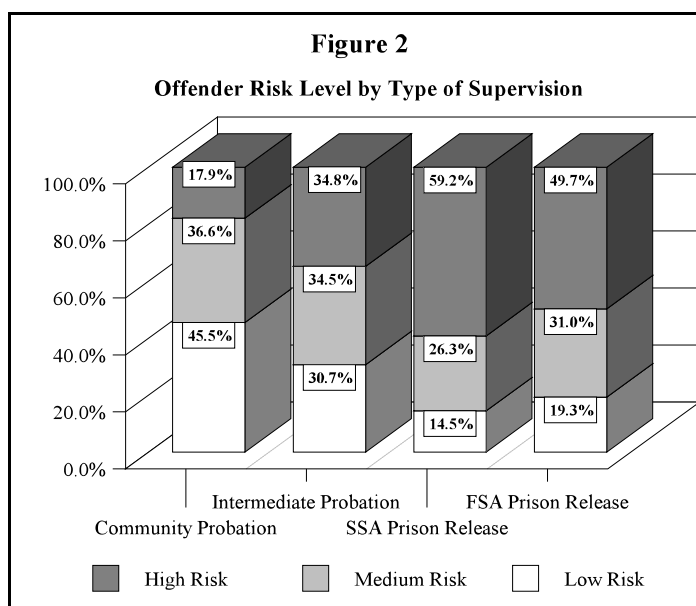


SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99
Correctional Program Evaluation Data

follow-up period (*see* Figure 1). The rate of referral was lowest for community probationers, but it was as high for intermediate probationers as it was for all prisoners. Drug and mental health treatment often constitutes a condition of probation or parole (for Fair Sentencing Act prisoners), which might explain some of the variation in referrals between the various groups.

The majority of offenders (77%) had one or more prior arrests, with the rate varying considerably from a low of 63% for community probationers to a high of 95% for FSA prisoners. The sample as a whole had 160,855 fingerprinted prior arrests. Forty-nine percent of the sample had a most serious current conviction for a felony offense. Prisoners were more likely to be convicted of violent offenses than probationers, but felony and misdemeanor convictions for property and drug offenses were the most common for all sample groups.

A risk score was computed for each offender in the sample using a composite measure based on individual characteristics (*i.e.*, social factors and criminal record factors) identified in the literature as increasing or decreasing an offender's risk of recidivating. As shown in Figure 2, both prison release groups had a higher percentage of high risk offenders than either group of probationers. Community punishment probationers had the lowest percentage of high risk offenders. Intermediate punishment probationers fell in between community punishment probationers and both groups of prisoners with respect to the percentage of high risk offenders. Risk levels were largely a reflection of an offender's criminal history and were in line with the philosophy of Structured Sentencing, assigning increasingly restrictive sanctions for the more serious, recidivism-prone offenders.



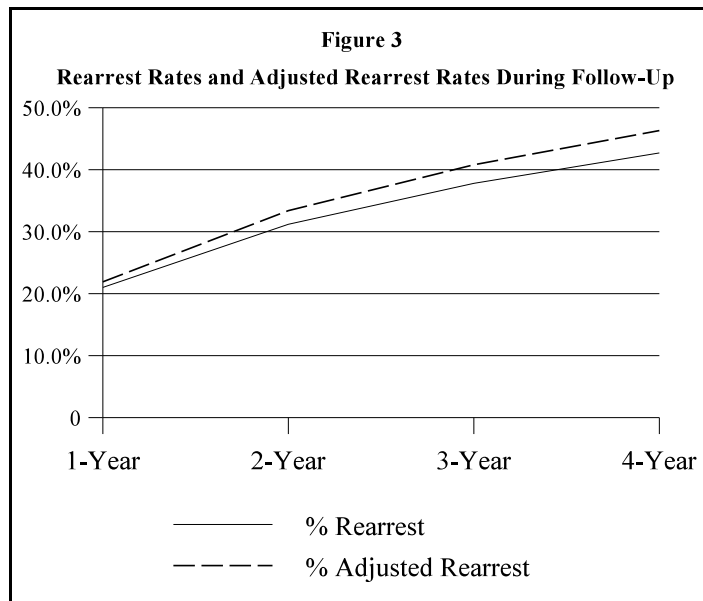
SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

Time at Risk

While each offender was followed for a fixed four-year follow-up period to determine whether recidivism occurred, the same “window of opportunity” to reoffend was not necessarily available for each offender due to periods of incarceration during follow-up. In a major methodological improvement to the Commission's previous reports, this report takes into account each offender's actual time at risk (*i.e.*, their actual window of opportunity to recidivate) by identifying their periods of incarceration in North Carolina's prison system and subtracting the time incarcerated from the follow-up period. The percent of the sample at risk for the entire follow-up period decreased from 87% in the first year to 68% by the fourth year.

Of the FY 1998/99 sample, 21% were rearrested during the one-year follow-up, 31% were rearrested during the two-year follow-up, 38% were rearrested during the three-year follow-up, and 43% were rearrested during the four-year follow-up. However, these recidivism rates do not take into account the fact that some offenders were not at risk for the entire follow-up period as a result of incarceration. Using information on actual time at risk, recidivism rates that estimate the rate of rearrest that would have occurred if every offender were at risk for the entire follow-up period were calculated (*i.e.*, adjusted rearrest rates). Taking into account actual time at risk during follow-up resulted in adjusted rearrest rates that

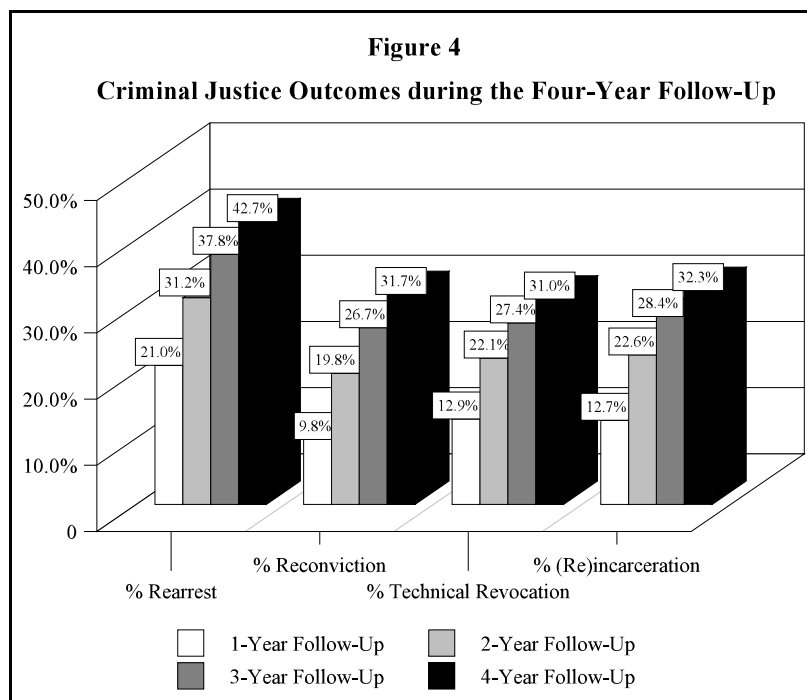
were slightly higher than the original rates: 22% within one year, 33% within two years, 41% within three years, and 46% within four years of follow-up. The gap between adjusted and unadjusted rearrest rates widened over time, as more offenders were incarcerated, thereby reducing the pool of offenders who were at risk for the entire follow-up period (*see* Figure 3).



SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

Criminal Justice Outcome Measures

For this report, four measures of recidivism were utilized: 1) rearrest rates; 2) reconviction rates; 3) technical revocation rates; and 4) (re)incarceration rates. A summary of the recidivism rates for the FY 1998/99 sample is provided in Figure 4. Tracking the sample for four years, a clear pattern emerged: while the rates of rearrest doubled for both prisoners and probationers between the first and the fourth year, the highest rates of rearrest for all groups were in the first year. In each subsequent year, rearrests increased at a declining rate. Reconviction, technical



SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

revocation, and (re)incarceration rates had the greatest increase during the first two-years of follow-up, with smaller increases in the third and fourth years.

As noted earlier, rearrest rates for the entire sample were 21%, 31%, 38%, and 43% through the first, second, third, and fourth year of follow-up, respectively. For those rearrested within the four-year follow-up, the average time to first rearrest was 16 months. By the end of the four-year follow-up, the FY 1998/99 sample accounted for 61,396 recidivist arrests, including 12,069 arrests with at least one violent offense.

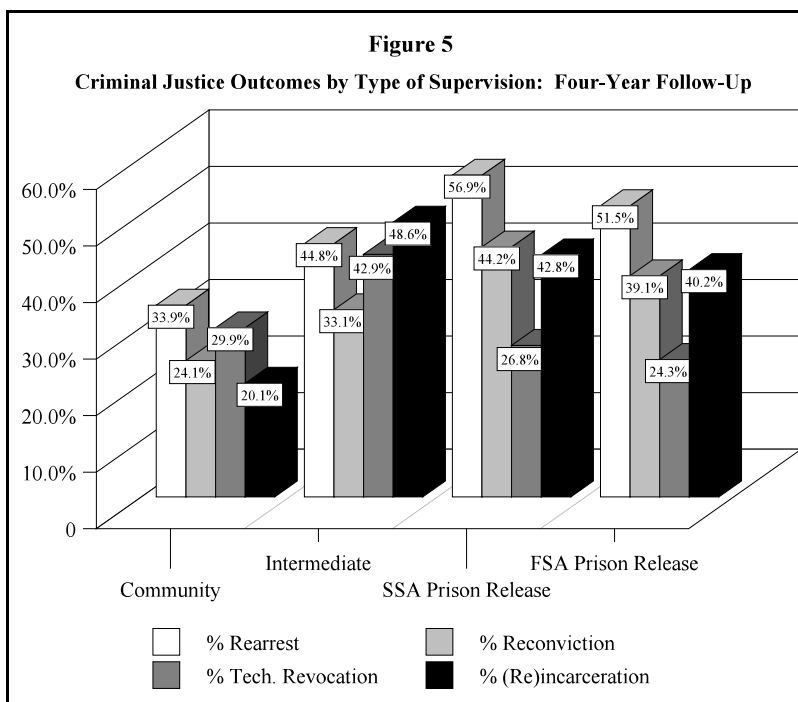
Overall, 10% of the sample had a reconviction in the first year of follow up, 20% by the second year, 27% by the third year, and 32% by the fourth year. For those with a reconviction during the four-year follow-up, the average time to reconviction was 21 months. Within the four-year follow-up, the sample accrued 30,889 recidivist convictions, with 4,912 convictions including at least one violent offense.

Technical revocation rates for the entire sample increased from 13% in the first year to 22%, 27%, and 31% throughout the four-year follow-up. For those with a technical revocation during the four-year follow-up, the average time to revocation was 18 months.

Overall, 13% of the sample were (re)incarcerated by the first year, 23% by the second year, 28% by the third year, and 32% by the fourth year of follow-up. The average time to first incarceration for offenders (re)incarcerated during the four-year follow-up was 18 months.

Independent of the measure used, or the number of years tracked, recidivism rates were in direct correlation with the type of supervision in the community (*see* Figure 5). However, it must be noted that these groups were also composed of offenders who were very different in their potential to reoffend, as measured by a risk assessment instrument developed for the study (*see* Figure 2).

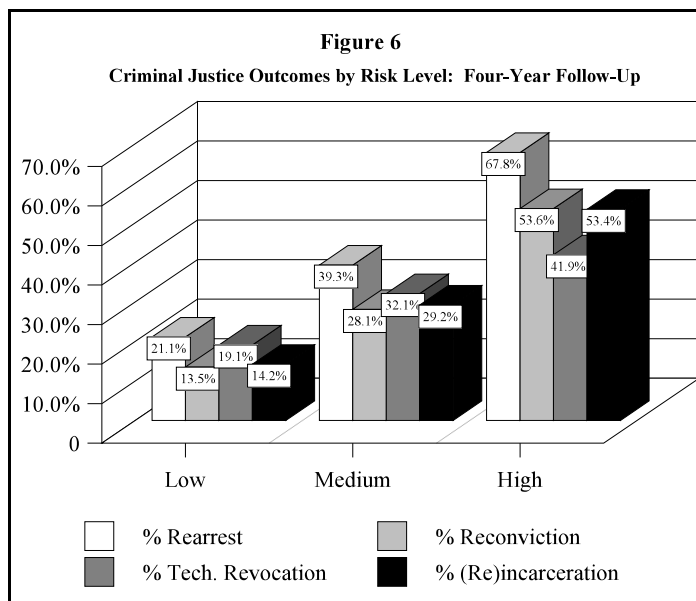
The lowest rearrest and reconviction rates were for community probationers, followed by intermediate probationers and FSA prisoners, with the highest rearrest and reconviction rates for SSA prisoners.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

As expected, probationers, especially on intermediate supervision, had the highest technical revocation rates. Given that most probation sentences in North Carolina are for three years (with shorter parole supervision for certain FSA offenders), the continued revocations in years three and four of the follow-up indicate that some of the offenders had new convictions and new probation sentences that resulted in technical revocation.

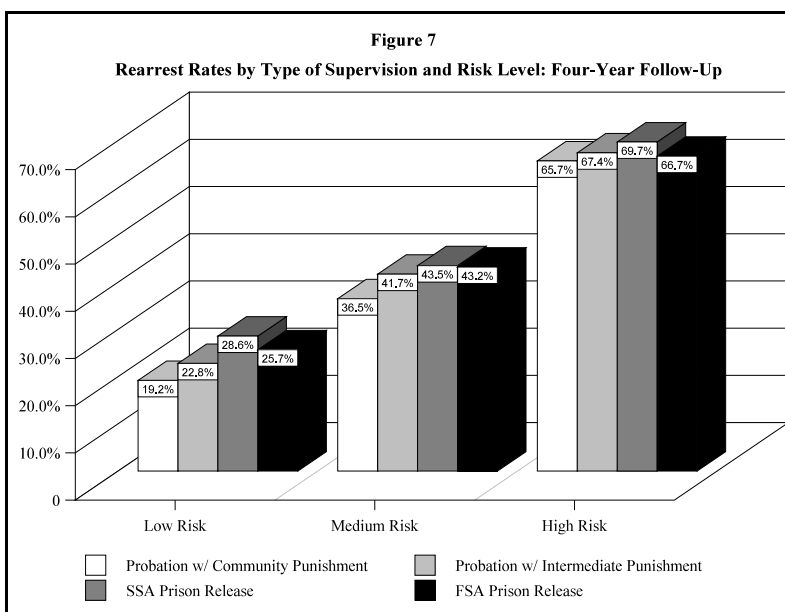
Compared to the other types of supervision, probationers with an intermediate punishment had the highest rate of (re)incarceration, almost 49% during the four-year follow-up period, due in large part to their higher revocation rates.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

As shown in Figure 6, rates for all of the criminal justice outcome measures during the four-year follow-up period varied considerably by offender risk level, with a stair-step increase in rates from low risk to medium risk to high risk. When compared to low risk offenders, high risk offenders were over three times more likely to be rearrested, almost four times more likely to be reconivcted, about two times more likely to have a technical revocation, and over three times more likely to be (re)incarcerated.

Much of the variation in the probability to be rearrested disappeared when comparing rearrests for all offenders by the type of supervision in the community while controlling for levels of risk, as shown in Figure 7. The difference between rearrest rates for probationers and prisoners was reduced when controlling for offender risk level (20% versus 28% for low risk, 38% versus 43% for medium risk, and 66% versus 69% for high risk, respectively).



SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

While several methodological improvements have been made beginning with the current study, several limitations to the data provided regarding recidivist incarcerations should be noted. Theoretically, (re)incarceration rates should be higher than technical revocation rates since (re)incarceration can result from both new sentences and technical revocations. The approximately equal revocation and (re)incarceration rates found in this study result from limitations of the data on recidivist incarcerations (*see* Figure 4). The (re)incarceration data provided in this report are based on incarcerations in state prison using DOC's OPUS data. However, in North Carolina, only offenders who are sentenced to active terms greater than 90 days are incarcerated in state prison, while those sentenced to active terms of 90 days or less are incarcerated in county jail. Lack of automated statewide county jail data affects the analysis presented in this report in two ways: 1) time incarcerated in county jails is not subtracted from actual time at risk during the follow-up and, as a result, does not factor into the adjusted rearrest rates; and 2) incarceration in county jails, either as a result of new sentences or technical revocations, is not included as part of the recidivist incarceration measure.

Multivariate Analysis

Multivariate analysis was used to further explore factors correlated with the probability of recidivism. This method aims to isolate the direction and magnitude of the impact an independent variable has on an outcome measure, such as rearrest, while controlling for the impact of all the other independent variables.

A number of factors were found to increase an offender's probability of rearrest during the four-year follow-up, including being black, having a prior drug and mental health referral, having a greater number of prior arrests, having a prior drug arrest, having a greater number of probation/parole revocations or having a higher risk score. Factors that lowered the probability of rearrest included being employed, having a felony as the current conviction, and having a higher number of prior incarcerations. Age also decreased an offender's chance of rearrest, with offenders being less likely to be rearrested as they get older. There were some variations between probationers and prisoners as to the impact of these independent variables. Comparing offenders by type of supervision, intermediate probationers were less likely to be rearrested than community probationers and FSA prisoners were less likely to be rearrested than SSA prisoners, even when controlling for all other factors.

Similar factors were found to increase a probationer's probability of technical probation revocation during the four-year follow-up period. Being male, black, a substance abuser, having a history of prior drug and mental health referrals, having a greater number of prior revocations, and a higher risk score all increased the probability of revocation. Being employed and being married were factors found to reduce the probability of revocation. An analysis examining the correlates of (re)incarceration for all offenders pointed to a similar pattern. Factors found to increase an offender's probability of (re)incarceration included being male, being black, having a history of substance abuse, having prior drug and mental health referrals, having a higher risk level, and having a current felony conviction. Factors reducing the probability of (re)incarceration included age, being married, and being employed.

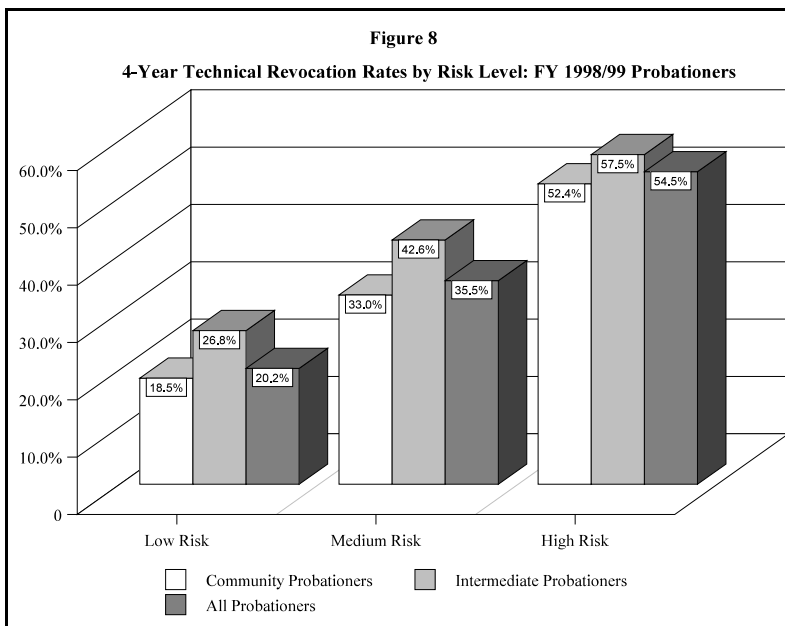
The Probation Violation Process

Probation, which provides a low-cost alternative to incarceration, is the supervision tool used to monitor and control those offenders who are sentenced to community sanctions. Probation officers ensure that offenders are in compliance with their probationary conditions while they remain in the community. When offenders violate these conditions, those violations could lead to the offender being returned to court and the judge either modifying or revoking the offender's probation. Revocation of probation results in offenders having their suspended sentences activated by a judge and being incarcerated.

To have a better understanding of the probation violation process, Sentencing Commission staff visited select sites statewide to conduct interviews with DCC field personnel who are charged with enforcing probation laws and policies.¹ The use of discretion by probation staff noted during the field interviews confirmed findings of national studies on that subject. Recent changes to DCC's probation policies have served to further structure the use of discretion so that all resources have been exhausted prior to the decision to revoke an offender's probation.

Twenty-six percent of probationers had a technical revocation during the two-year follow-up period and 33.4% had a technical revocation during the four-year follow-up period. Probationers with an intermediate punishment had the highest technical revocation rates during the two-year and four-year follow-up periods, with 34.2% having a technical revocation in the two-year follow-up and 42.9% having a technical revocation within the four-year follow-up.

As shown in Figure 8, technical revocation rates varied considerably by risk level for all probationers, with low risk probationers much less likely to have a technical revocation than high risk probationers (20.2% compared to 54.5%, respectively). Even when controlling for offender risk, technical revocation rates were consistently higher for intermediate probationers than for community probationers. Other variables which affected technical



SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

¹ Funding for studying the technical revocation process was through Governor's Crime Commission Grant Number 110-1-01-001-L-891 entitled "Recidivism and Structured Sentencing - The Case for Measuring Revocations."

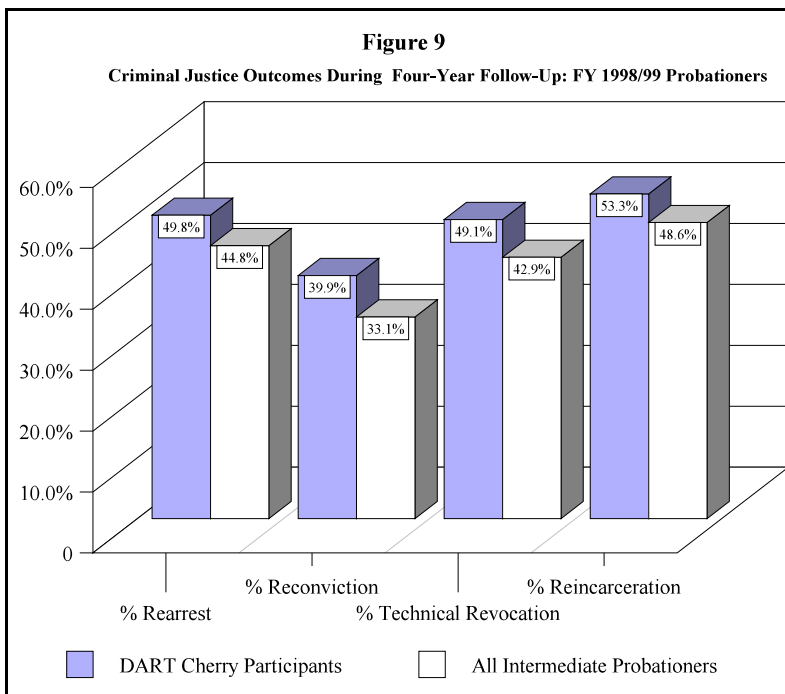
revocation rates were current conviction, employment, and whether or not probationers ever had a drug and mental health referral. Those offenders who had a felony conviction, were unemployed, and had at least one drug and mental health referral were more likely to have a technical revocation.

Drug Alcohol Recovery Treatment (DART) Cherry

DART Cherry is a residential chemical dependency treatment facility operated by the DOC. The 90-day component of DART Cherry serves male offenders who are primarily probationers. For this study, Sentencing Commission staff made a number of visits to the DART Cherry facility to observe treatment and classroom sessions, gather written information and automated data, and interview DART Cherry staff. Of the 39,547 probationers in the FY 1998/99 sample, 619 were admitted to DART Cherry during the follow-up period. Seventy-two percent of these probationers were admitted to the DART Cherry program at least six months after their entry to probation.

Nearly half (48.6%) of the offenders in DART Cherry indicated a previous attempt in a substance abuse program. Reflecting the fact that many of the DART Cherry participants had co-occurring substance and mental disorders, 68% of the offenders had at least one drug and mental health referral.² With regard to risk level, the majority of DART Cherry participants were medium risk (41.8%).

Overall, 33.1% of DART Cherry participants were rearrested during the two-year follow-up and 49.8% were rearrested during the four-year follow-up. Since the sentence for offenders in the DART Cherry program must contain an intermediate punishment, comparisons were made, when relevant, between DART Cherry participants and all probationers with an intermediate punishment. Figure 9 summarizes rearrest, reconviction, technical revocation, and (re)incarceration rates over the four year period for both DART Cherry participants and all intermediate probationers. DART Cherry participants had



SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

² The Sentencing Commission obtained information regarding referrals from the Client Services Data Warehouse maintained by the Department of Health and Human Services' Division of Mental Health, Developmental Disabilities, and Substance Abuse Services.

higher recidivism rates than all intermediate probationers on all of the measures during the four-year follow-up period.

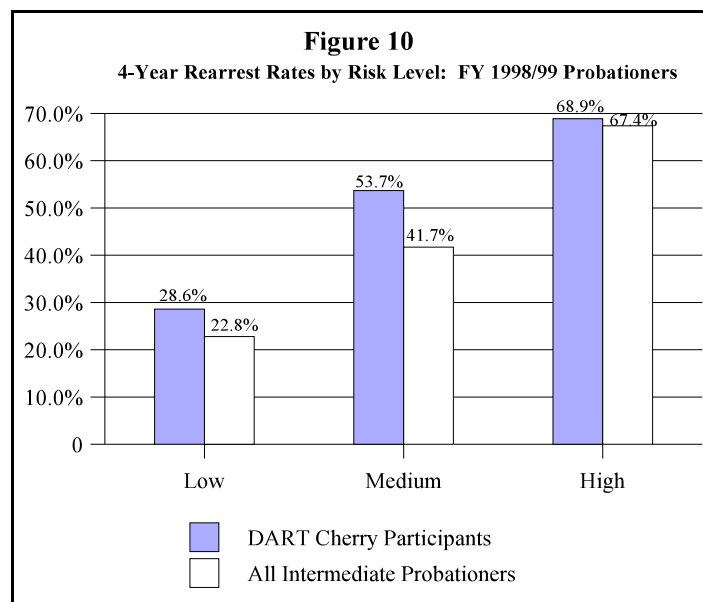
Figure 10 shows four-year rearrest rates for DART Cherry participants and all intermediate probationers, controlling for offender risk level. Rearrest rates for participants varied by risk level, with high risk offenders more than twice as likely to be rearrested than low risk offenders. When comparing probationers within the same risk level, rearrest rates were consistently higher for DART Cherry participants than for all intermediate probationers. This pattern was also evident for the other criminal justice outcome measures.

While the criminal justice outcome measures for DART Cherry were troubling, there were reasons which may have accounted for some of these statistics. In addition to the challenges faced by an intermediate offender, a large majority of the DART Cherry participants had serious substance abuse issues, at least one prior drug/mental health referral, and a previous admission to a substance abuse program. Changes to the DART Cherry program in the areas of treatment modalities, treatment duration, specialized training for treatment professionals, and treatment follow-up in the community, could have a positive effect on the criminal justice outcome measures of this group. The Secretary of the DOC has approved recommendations that would address these and other areas of the DART Cherry program.

Summary and Conclusions

Based on the findings of this report, several conclusions may be drawn:

- ▶ An offender's assignment to a correctional program, in general, should not be viewed as a panacea for criminal behavior. Offenders participating in a correctional program bring with them many preexisting social and criminal problems, and while correctional programs co-vary with recidivism, they should not be expected to have a major impact on these problems and on preventing or reducing recidivism.
- ▶ With the extended follow-up period, this recidivism study has evolved into more of a "moving picture" of the cohort in perpetual transition than a "still photograph" of the group frozen in time and defined by a single crime, conviction, or sentence. In that sense, the offenders in the cohort should not be characterized, and categorized,



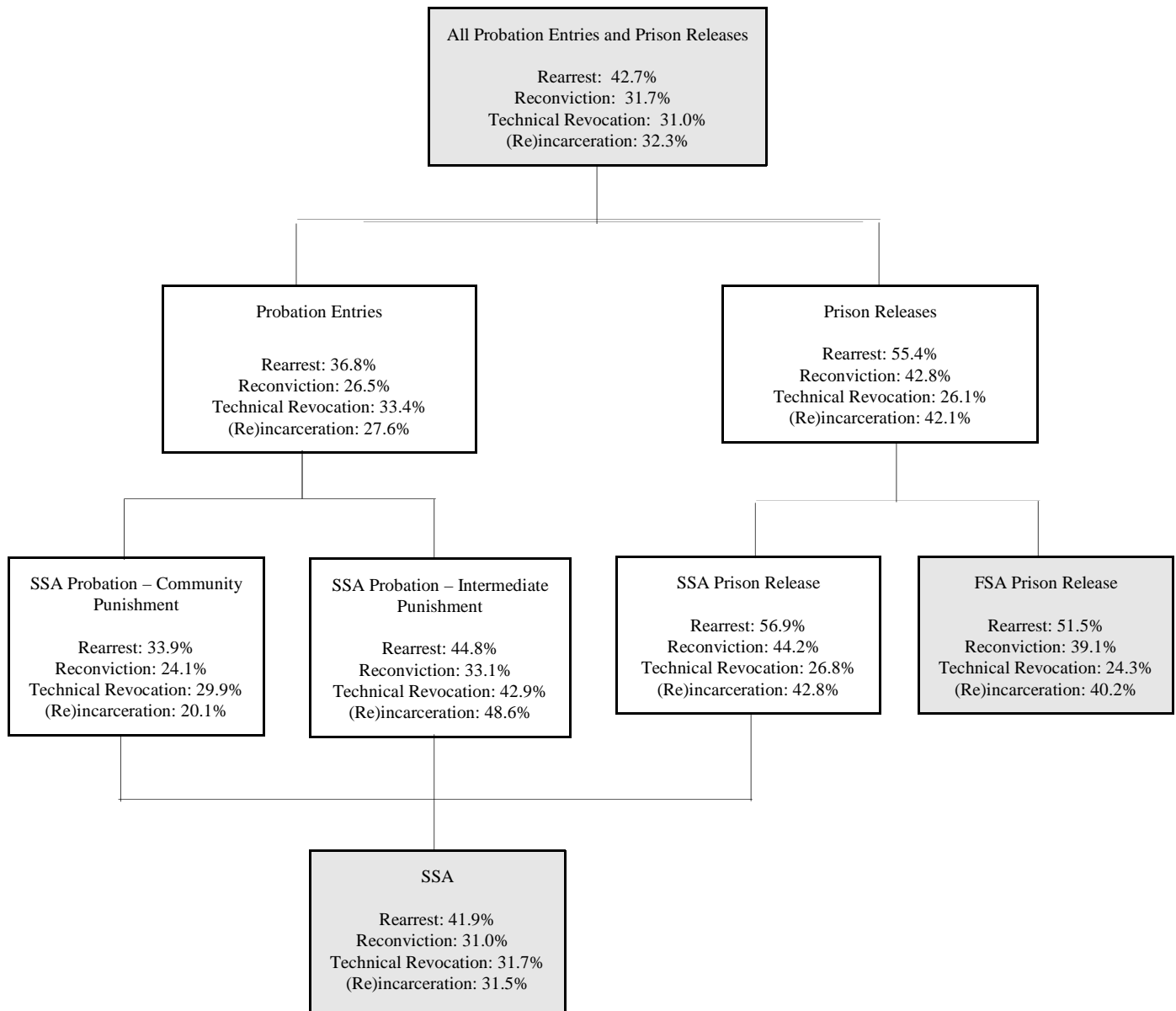
SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

as felons or misdemeanants, property offenders or violent offenders, prisoners or probationers.

- ▶ The four-year follow-up showed an increase in the various measures of recidivism, but these increases slow down over time, with the highest rates for all four outcomes occurring in the first year. This finding would appear to underline the need for focusing resources and services in that critical time period, whether it is the first year of a probationary sentence, the beginning of parole or post release supervision, or the initial period following release from prison.
- ▶ The “time at risk” component also provides a first, albeit indirect, look at the relationship between incapacitation and crime. The adjusted rearrest rates reflect the rate of rearrest that would have occurred if every offender had been in the community and at risk for the entire follow-up period – a measure easily translatable to additional crimes (cleared by arrest) that could have been committed by these offenders.
- ▶ Rearrest rates and adjusted rearrest rates for the four-year follow-up have accentuated even more the need for targeting North Carolina’s limited correctional resources to groups of offenders whose criminal futures are the most likely to be affected by such services. This finding might point to a recommendation for targeting medium risk offenders and offenders with persistent substance abuse problems as the most likely to benefit from correctional programs. Prisons, which increase the probability of recidivism even when controlling for all other factors, should be reserved for the most serious, violent, and high risk offenders, while community probation should be utilized for the least serious, low risk offender.

Figure 11 summarizes the four-year recidivism rates for the FY 1998/99 sample of probationers and prisoners.

Figure 11
Four-Year Recidivism Rates for the FY 1998/99 Sample



CHAPTER ONE INTRODUCTION

Introduction

With the enactment of the Structured Sentencing Act (SSA) in 1994, North Carolina embarked on a new penal strategy. Since that time, Structured Sentencing has benefited the criminal justice system by increasing consistency, certainty and truth in the sentencing of offenders; setting priorities for the use of correctional resources; and balancing sentencing policies with correctional resources. The issue of correctional resources and, specifically, their effectiveness in increasing public safety and deterring future crime has continued to be of interest to legislators and policy makers. It is the goal of most programs to sanction and control offenders and to offer them opportunities that will assist in altering negative behavioral patterns, and, consequently, lower the risk of reoffending.

Studies which measure recidivism are a nationally accepted way to assess the effectiveness of in-prison and community corrections programs in preventing future criminal behavior by offenders reentering the community. The North Carolina General Assembly, aware of this trend, incorporated the study of recidivism into the North Carolina Sentencing and Policy Advisory Commission's mandate from the start. The first recidivism study that was prepared for the Commission was completed in 1992 by Stevens Clarke and Anita Harrison of the Institute of Government. This recidivism study was followed by one that was conducted in 1996 by Mark Jones and Darrell Ross of the School of Social Work at East Carolina University. In 1997 and 1998, the Commission produced the third and fourth recidivism reports in conjunction with the Department of Correction's Office of Research and Planning.

During the 1998 Session, the General Assembly redrafted the Commission's original mandate to study recidivism and expanded its scope to include a more in-depth evaluation of correctional programs. This legislation (1998 Session Law 212, Section 16.18) gives the following directive:

The Judicial Department, through the North Carolina Sentencing and Policy Advisory Commission, and the Department of Correction shall jointly conduct ongoing evaluations of community corrections programs and in-prison treatment programs and make a biennial report to the General Assembly. The report shall include composite measures of program effectiveness based on recidivism rates, other outcome measures, and costs of the programs. During the 1998-99 fiscal year, the Sentencing and Policy Advisory Commission shall coordinate the collection of all data necessary to create an expanded database containing offender information on prior convictions, current conviction and sentence, program participation and outcome measures. Each program to be evaluated shall assist the Commission in the development of systems and collection of data necessary to complete the evaluation process. The first evaluation report shall be presented to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by April 15, 2000, and

future reports shall be made by April 15 of each even-numbered year.

The first evaluation report, as required by law, was delivered to the General Assembly on April 15, 2000; the second evaluation report was completed and submitted on April 15, 2002. This current study is the third biennial Correctional Program Evaluation Report and it contains information about offender characteristics, specific correctional programs, outcome measures, and an expansive methodological approach to examine the relationship between offender risk factors, correctional programs, and recidivism rates.

Defining Recidivism

The North Carolina General Assembly directed the Sentencing Commission to measure the rates of recidivism of criminal offenders involved in various kinds of state-supported correctional programs. The legislation calling for these measurements made it clear that recidivism meant repeated criminal behavior, and implied that measuring recidivism was to be a way of evaluating correctional programs – that is, programs designed or used for sanctioning and, if possible, rehabilitating convicted criminal offenders.

Correctional programs do not affect crime directly; rather, they are designed to change offenders' attitudes, skills, or thinking processes, in the hope that their social behavior will change as a result. The punitive aspect of criminal sanctions might also serve as an individual deterrent with convicted offenders. Policy makers such as legislators tend to be concerned with whether the programs ultimately reduce criminal behavior. This concern is understandable. A program may be successful in educating, training, or counseling offenders, but if it does not reduce their subsequent criminal behavior, the result will simply be repeat offenders who are better educated or have greater self-confidence.

There is no single official definition of recidivism. Researchers have used a variety of definitions and measurements, including rearrest, reconviction or (re)incarceration, depending on their particular interests and the availability of data. Therefore, in comparing recidivism of various groups of offenders, readers are well advised to be sure that the same definitions and measurements are used for all groups. Official records from police, courts, and correctional agencies are the source of most research on adult recidivism. For offenders involved in a recidivism study, different types of records will indicate different rates of recidivism.

The Sentencing Commission, in its studies of recidivism and as mandated by the Legislature, uses rearrests as its primary measure of recidivism, supplemented by information on reconvictions, technical probation revocations, and (re)incarcerations to assess the extent of an offender's repeat involvement in the criminal justice system. The advantages of arrest data, compared with other criminal justice system data, outweigh the disadvantages. Rearrests, as used in this research, take into account not only the frequency of repeat offending but also its seriousness and the nature of the victimization (for example, crimes against the person, crimes involving theft or property damage, or crimes involving illegal drugs). The volume of repeat offending is handled by recording the number of arrests for crimes of various types.

Guidelines Sentencing and Recidivism

North Carolina law prescribes the use of guidelines in sentencing its convicted felons and misdemeanants. In theory, Structured Sentencing may affect recidivism in a variety of ways. Its penalty framework may alter the deterrent effect of sentencing laws, with different punishments influencing differently an *individual* offender's fear of the consequences of crime and thereby changing his or her likelihood of recidivism. Another way in which guidelines might impact recidivism is by altering the characteristics, or "mix," of *groups* of offenders – for example, probationers or prisoners. Altering the composition of groups of offenders has been, from the start, one of the changes contemplated by the guidelines sentencing movement, and this alteration may well affect group recidivism rates. The 1996 "National Assessment of Structured Sentencing" conducted by the U.S. Department of Justice (Austin et al., 1996:31-34) identifies the following goals of the guidelines movement: to increase sentencing fairness, to reduce unwarranted disparity, to establish "truth in sentencing," to reduce or control prison crowding, and to establish standards that facilitate appellate review of sentences. To meet these objectives and still control spending on prisons, guidelines have tended to shift some offenders to probation who formerly would have gone to prison, and others to prison who formerly might have received probation. Sentencing guidelines have sought to make offenders convicted of violent crimes, as well as repeat offenders, more likely to receive active prison sentences and to serve longer prison terms. At the same time, guidelines were intended to make first-time offenders charged with property crimes less likely to be imprisoned, and to have them serve shorter terms if imprisoned (Austin et al., 1996:125).

The National Assessment's description of the guidelines movement and its tendency to reallocate offenders from prison to probation is consistent with the history of North Carolina's Structured Sentencing legislation. Ronald Wright, in an article on "Managing Growth in North Carolina through Structured Sentencing" (1998:7-8), notes that the proposed sentencing guidelines were acceptable to the General Assembly in 1993 because they combined three features: (1) they increased the percentage of serious felons receiving prison terms and the length of time they would serve; (2) they brought the time actually served in prison much closer to the sentence imposed than under former law; and (3) they limited costly increases in the state's prison capacity. The only way, Wright points out, to accomplish all three objectives was to send fewer people to prison but for longer terms. As a result, he observes, the proposed guidelines prescribed diversion of most misdemeanants and the least serious felons (non-violent felons with little or no prior record) from prison terms to community and intermediate sanctions – that is, to some form of probation. While the guidelines became somewhat more severe in the 1994 and 1995 legislative sessions, the original objective of diversion of less dangerous offenders from prison persisted.

With this kind of shift from prison to probation actually occurring following the implementation of Structured Sentencing, one possible hypothesis would be to expect the recidivism rate of released prisoners to increase over time. This is because the percentage of prisoners with prior records would increase, and prior criminal record is a strong predictor of recidivism. It is less clear what would happen to the recidivism of probationers.

It is important to remember that guidelines sentencing emphasized not only the diversion of

some offenders from prison to probation, but also the use of intermediate punishments for those diverted offenders. Intermediate punishments – *i.e.*, enhanced forms of probation such as intensive supervision, special probation (split sentences), and day reporting centers – were meant to control the recidivism of offenders diverted from prison to probation. Wright, in his history of North Carolina’s sentencing guidelines legislation, notes that despite the strong get-tough-on-crime sentiment in the 1994 session, the General Assembly approved full funding for probation personnel to support new intermediate sanctions (Wright, 1998:10).

As documented in the literature, the rate differential in recidivism between probationers and prisoners is largely – but not fully – accounted for by differences in the two groups’ criminal history. These results, by themselves, suggest that diverting offenders with little or no criminal history to probation might not make much difference in the group recidivism rate for probationers. However, this might not hold true for the group sentenced to intermediate sanctions, which targets offenders with more serious offenses and prior records than those sentenced to community sanctions. Two other factors may tend to prevent increased recidivism among North Carolina probationers. One factor is that intermediate punishment programs may help control recidivism. Whether they in fact do so must be established through careful evaluation of the programs. Another factor is that diversion of some offenders from prison to probation might prevent “prisonization” – detrimental effects of imprisonment – that would otherwise increase the propensity to reoffend.

Comparison of Recidivism Rates with Previous Recidivism Studies

The Sentencing Commission’s six previous recidivism reports provide a framework to look at trends in recidivism rates. However, it should be noted that there are differences in the recidivism studies that make comparisons difficult. For example, the FY 1996/97 and FY 1998/99 samples include offenders sentenced under the SSA. Also, the various studies have different follow-up periods. Nonetheless, overall comparisons may be made as long as these factors are taken into consideration.

Table 1.1 presents the overall recidivism rate from each of the Sentencing Commission’s recidivism reports. The table indicates that the recidivism rates for offenders have been fairly similar over the six sample years, taking into account differences in follow-up time. The 1989 study, the FY 1996/97 study, and the FY 1998/99 study had a similar follow-up period and similar recidivism rates, ranging from 31% to 33%. The three other studies, with more extended follow-up periods, reported slightly higher recidivism rates, with recidivism rates between 33% and 37%.

Table 1.1
Recidivism Rates for NC Offenders

Sample Year	Sample Size	All Offenders	
		Recidivism Rate	Follow-Up Time*
1989	37,933	31.2%	26.7 months
1992/93	33,111	32.6%	36.7 months
1993/94	48,527	36.8%	32.8 months
1994/95	45,836	37.3%	35.1 months
1996/97	51,588	32.6%	24 months
1998/99	58,238	31.2%	24 months

* Variable follow-up periods were used for sample years 1989 through FY 1994/95. A fixed follow-up period of two years was used for sample year 1996/97 and 1998/99.

SOURCE: NC Sentencing and Policy Advisory Commission

The enactment of Structured Sentencing changed who is sentenced to prison and who is placed on probation. Due to differences in the characteristics of FSA and SSA prisoners, a comparison of these groups is premature.¹ Trends in the recidivism rates for the different FSA prison categories (regular parole, parole and terminate, and max-out), however, can emerge from comparing the previous studies.² The recidivism rates for FSA regular probationers can be compared across the previous recidivism studies and with the SSA community punishment probationers in the current study.³ Table 1.2 provides a comparison of recidivism rates for prisoners and probationers for the six previous recidivism studies. There were slight differences in recidivism rates within each category, which may have resulted from differences in the follow-up periods. SSA probationers with community punishments had recidivism rates that were close to those of FSA regular probationers.

¹ In future studies, when those in the SSA prison release category are more similar to those in the FSA prison categories in terms of offense seriousness and time served, comparisons of recidivism rates for SSA prisoners and FSA prisoners may be made across years.

² Parole and terminate refers to offenders who are released from prison by the Post-Release Supervision and Parole Commission and are not subject to community supervision or any other conditions of parole.

³ Since intermediate punishment probationers most likely would have gone to prison under the FSA, community punishment probationers were thought to be most comparable to FSA regular probationers.

Table 1.2
A Comparison of Recidivism Rates for Probationers and Prisoners

Sample Year	Probationers	FSA Prisoners		
	Regular Probation	Regular Parole	Parole and Terminate	Max-Out
1989	26.5%	41.3%	39.8%	27.5%
1992/93	22.8%	45.9%	46.0%	43.3%
1993/94	30.7%	48.8%	39.6%	32.7%
1994/95	31.3%	47.8%	40.5%	40.5%
1996/97	26.3% *	39.5%	N/A	43.5%
1998/99	24.2% *	36.2%	N/A	41.4%

* Recidivism rate for SSA probationers with community punishments, who were considered to be most comparable to the category of regular probationers in previous studies.

SOURCE: NC Sentencing and Policy Advisory Commission

While it is too soon to draw valid comparisons between the recidivism of SSA and FSA offenders, it is worth noting that recidivism rates over a two-year follow-up were slightly lower for the FY 1998/99 sample, which consists primarily of SSA offenders. Structured Sentencing might have an impact on recidivism rates by altering the deterrent effect of sentencing laws and by altering the characteristics, or “mix,” of groups of offenders. It is possible that while the recidivism of different groups of offenders will change, the overall recidivism rate will stay about the same. However, fluctuation in the rates will ultimately be affected by a host of social and legal factors, in addition to the sentencing laws. Future studies will continue to examine these issues.

Research Design and Methodology

The Sentencing Commission’s expanded legislative mandate translated to a more comprehensive approach in capturing relevant empirical information. The theoretical model (*see* chart) adopted to study recidivism pointed to data collection in three time frames for each offender: preexisting factors such as demographic characteristics and criminal history; current criminal justice involvement including current conviction, sentence and correctional program participation; and future measures of social reintegration such as rearrest, reconviction, technical probation revocation, (re)incarceration, and employment.⁴

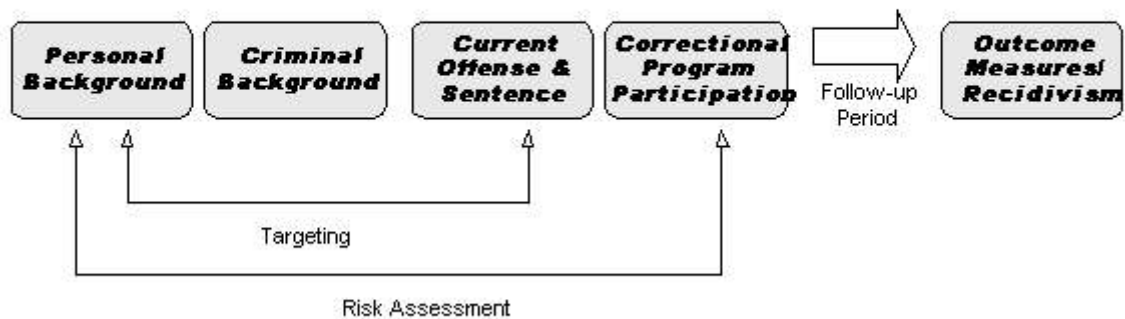
⁴ Preexisting factors and current criminal justice involvement are also components in targeting offenders for different correctional sanctions and treatment programs, and assessing their risk levels.

Sample

The sample selected for study included all offenders released from prison by the North Carolina Department of Correction (DOC) or placed on probation during Fiscal Year 1998/99. The final study sample includes 58,238 offenders.⁵

Ninety-one percent of the sample cohort consists of Structured Sentencing cases, affording a comprehensive look at the recidivism of Structured Sentencing offenders.

Evaluation of Correctional Programs



Follow-up Period

Recidivism studies utilize varying lengths of time as their follow-up periods, depending on the availability of data and other resources. With both short term and long term recidivism being of great interest to policy makers, this report provides information on the recidivism of the FY 1998/99 sample of offenders with a fixed four-year follow-up period, with one-year, two-year, three-year, and four-year recidivism rates reported.

Time at Risk

While each offender released into the cohort had an equal four-year follow-up period, not all of them were on the street and “at risk” of recidivism for the entire four years. In a major methodological improvement to the Commission’s previous reports, this report takes into account each sample offender’s actual time at risk by identifying their periods of incarceration in North Carolina’s prison system within the follow-up time frame and subtracting the time incarcerated from

⁵ Due to relatively small numbers, pre-Fair Sentencing Act (FSA) cases and FSA probationers were excluded from the sample. Also excluded from analysis were all DWI and traffic offenders.

the follow-up period.⁶

Outcome and Process Measures

- ▶ Recidivism: this report, for the first time, uses an expanded definition of recidivism, covering the offender's possible span of reinvolvement in the criminal justice system, to include: rearrests, reconvictions, technical probation revocations, and (re)incarcerations.
- ▶ Mental health and drug treatment referrals in the community.
- ▶ Employment in the first four quarters of the year following an offender's release to the community.
- ▶ Prison infractions for the prison release group included in the sample.

Data Sources

(A) Aggregate Data: Five automated data sources were utilized to collect information on the sample of offenders:

- ▶ The Department of Correction's (DOC) Offender Population Unified System (OPUS) provided demographic and prior record information, current convicted offense and sentence,⁷ correctional program assignment, type of release into the community, and subsequent technical probation revocations and prison incarcerations.
- ▶ The Department of Justice's (DOJ) Division of Criminal Information (DCI) data set was used to provide (fingerprinted) arrest records for prior arrests and recidivist arrests.
- ▶ Employment Security Commission (ESC) records were used to collect employment information about the sample of offenders following their current involvement with the criminal justice system.
- ▶ Department of Health and Human Services (DHHS) data provided information on each offender's mental health and drug treatment referrals.
- ▶ Drug Alcohol Recovery Treatment (DART) Cherry data were analyzed to describe the program participation and completion of offenders referred to the program.

The final data set for this study consists of over 400 items of information (or variables) for the sample of 58,238 offenders released to the community between July 1, 1998, and June 30, 1999, and followed for four years.⁸

⁶ Since each county jail maintains its own data, it was not possible to account for time served in county jails during the follow-up period.

⁷ "Current" in the context of this study refers to the most serious conviction and sentence for which the offender was released to the community within the sample time frame.

⁸ A glossary of relevant variables is included in the technical appendix (*see* Appendix B).

(B) Site Visit Descriptive Data:

For this report, two specific targets were selected for in-depth analysis – the policy, practice and process of probation violations and revocations for all offenders placed on supervised probation (whether as a community or an intermediate sanction) and probationers referred to the DART Cherry program during the follow-up period.⁹

To provide a descriptive context for the study, information was collected during a series of site visits and interviews with correctional staff. During the course of this study, Sentencing Commission staff visited probation offices in five judicial districts statewide and the DART Cherry program in Goldsboro. The locations of the probation offices were selected to represent regional variations, both urban and rural. The Goldsboro site was chosen as the only current location that offers a DART program for offenders remaining in the community.

Analysis and Report Outline

A case profile was constructed for each sample offender, comprised of personal and criminal history characteristics, the most serious current offense of conviction, sentence type imposed, correctional program assignments, nature of the offender's release to the community, subsequent employment, mental health referrals, and reinvolvement with the criminal justice system (*i.e.*, rearrest, technical probation or parole revocation, reconviction and (re)incarceration).

Chapter Two presents a descriptive statistical profile of the sample and aggregate figures on the incidence and type of prior criminal behavior. It also details an offender's prior and subsequent involvement with the community mental health system and describes the sample in terms of offender risk (a composite "Risk Factor Score" developed and assigned to each offender).

Chapter Three presents a descriptive analysis of the sample's subsequent (*i.e.*, recidivistic) criminal involvement, with special focus on the expanded four-year follow-up and the concept of "time at risk." This profiling also allows for some comparisons between the recidivism of offenders released after a prison stay compared to those placed on some form of probation.

Chapter Four utilizes multivariate techniques to assess the relationship between recidivism and various disposition types and correctional programs, while controlling for other relevant preexisting factors. Risk Factor Scores are used in the analysis to isolate the impact of correctional dispositions and programs on the probability of recidivism while holding constant the "risk level" of the offender.

Chapter Five presents a narrative description of the conditions of probation, and the policies

⁹ Funding for studying the technical revocation process was provided by Governor's Crime Commission Grant Number 110-1-01-001-L-891 entitled "Recidivism and Structured Sentencing - The Case for Measuring Revocations."

and practices in dealing with violations and revocations, based on the field interviews with probation staff. The analysis of the probation violation process is supplemented by statistical information on probation revocations.

Chapter Six describes in detail the DART Cherry program and presents a statistical analysis of the sample of offenders who were assigned to and completed DART Cherry, including their subsequent involvement with the criminal justice system.

Finally, Chapter Seven offers a short summary of the study's approach and main findings and closes with some observations on recidivism in North Carolina following the enactment of Structured Sentencing.

CHAPTER TWO

STATISTICAL PROFILE OF FY 1998/99 SAMPLE

Type of Supervision in the Community

As described in Chapter One, the study sample is comprised of 58,238 offenders who either entered probation or were released from prison during FY 1998/99.

FY 1998/99 Sample

The sample is comprised of all offenders who entered supervised probation or were released from prison during FY 1998/99, with the following exclusions:

- ☐ FSA probation entries;
- ☐ pre-FSA cases;
- ☐ offenders with a most serious current conviction for driving while impaired (DWI); and
- ☐ offenders with a most serious current conviction for a misdemeanor traffic offense.

As shown in Figure 2.1, 91% (n=52,956) of the 58,238 offenders were convicted and sentenced under the Structured Sentencing Act (SSA).¹⁰ The remaining 9% (n=5,282) were convicted and sentenced under the Fair Sentencing Act (FSA).¹¹ There were 39,547 probationers and 18,691 prisoners in the FY 1998/99 sample. These can be further subdivided into the following four categories based on type of supervision in the community:

Probation Entries

- ☐ SSA probationers who received a community punishment;
- ☐ SSA probationers who received an intermediate punishment;

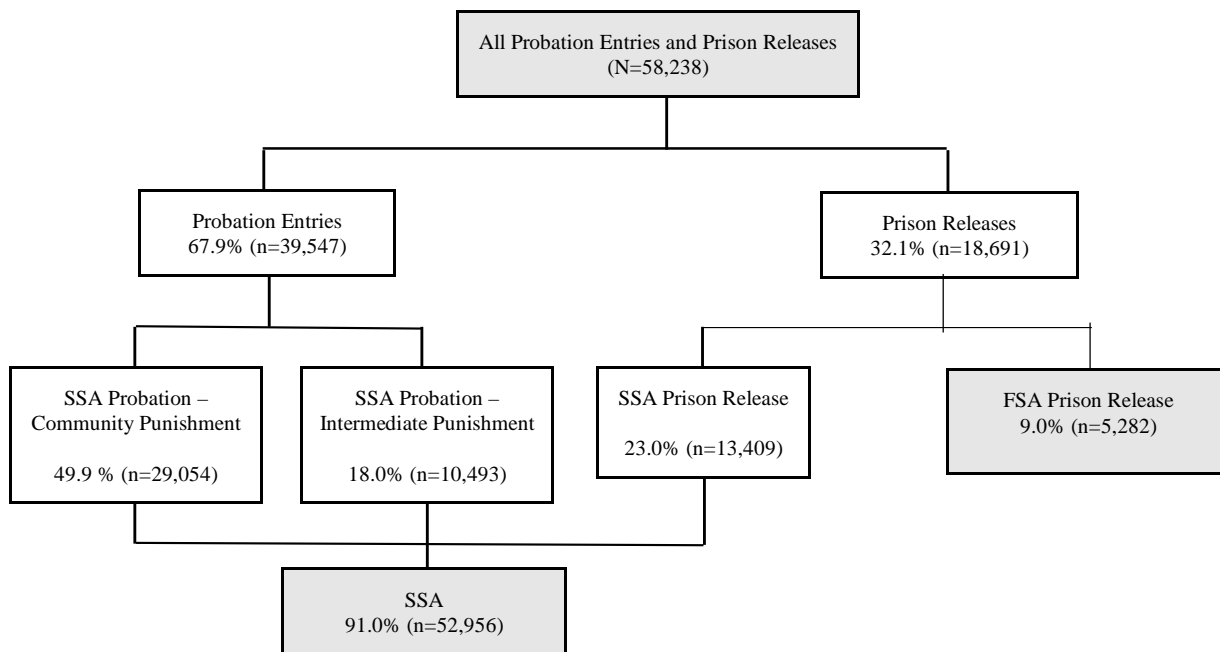
Prison Releases

- ☐ SSA prison releases; and
- ☐ FSA prison releases.

¹⁰ Offenders whose offenses were committed on or after October 1, 1994, were sentenced under the Structured Sentencing Act.

¹¹ Felony offenders whose offenses were committed prior to October 1, 1994, were sentenced under the Fair Sentencing Act. Misdemeanor offenders whose offenses were committed prior to October 1, 1994, were sentenced under the Trial and Appellate Procedure Act of 1977.

Figure 2.1
Type of Supervision in the Community



Definitions for the Types of Supervision in the Community

SSA Probation Entries with a Community Punishment: An offender who was sentenced under the Structured Sentencing Act and received a community punishment. Community punishments may consist of a fine, unsupervised probation (although unsupervised probationers were excluded from the sample), or supervised probation, alone or with one or more of the following conditions: outpatient drug/alcohol treatment, community service, assignment to TASC, payment of restitution, or any other conditions of probation that are not considered an intermediate punishment. Offenders with little or no prior criminal history who commit the lowest class felonies (Class H or I) and all misdemeanants may receive a community punishment.

SSA Probation Entries with an Intermediate Punishment: An offender who was sentenced under the Structured Sentencing Act and received an intermediate punishment. An intermediate punishment requires a period of supervised probation with at least one of the following conditions: special probation, assignment to a residential treatment program, house arrest with electronic monitoring, intensive probation, and assignment to a day reporting center. Generally, offenders who have a significant prior record and commit Class H or I felonies and offenders who have little or no prior record and commit more serious non-violent felonies may receive an intermediate punishment.

SSA Prison Releases: An offender who was sentenced under the Structured Sentencing Act, served his/her maximum sentence minus earned time and time for pre-conviction confinement, and was released back into the community without any supervision. Note: A small number (n=399 or 3%) of offenders in this category received post-release supervision.

FSA Prison Releases: An offender who was sentenced under the Fair Sentencing Act and was either given an early, conditional release back into the community with supervision, or was unconditionally released from prison (*i.e.*, with no supervision in the community) after serving his/her entire sentence, minus credit for good time, gain time, or pre-conviction confinement.

See Appendix A for further descriptions of the types of supervision in the community and for many of the programs that fall under them.

This is the third correctional program evaluation report (*i.e.*, recidivism report) that includes offenders sentenced under the SSA. Although it is tempting to do so, any comparative look at SSA and FSA offenders should be done with caution. Specifically, it is not appropriate to contrast SSA prison releases with FSA prison releases because they are not comparable in terms of offense seriousness and time served. The sample year for this study is FY 1998/99, only five years after the implementation of Structured Sentencing. As a result, most of the serious offenders who were sentenced to prison under SSA were still in prison. For the most part, only less serious offenders sentenced to prison under SSA (primarily Class E-I offenders) had been released by 1999. Because they were a less serious offender population in this sample, SSA prison releases have served substantially less time in prison than FSA prison releases (an average of 8.5 months for SSA prison releases versus 51.8 months for FSA prison releases).

Many of the tables in this chapter present information by probation or prison status for individual categories of probationers and prisoners (also referred to as type of supervision in the community) and for the sample as a whole. The following comparisons are appropriate to make: (1) a comparison of all probationers with all prisoners; (2) a comparison of SSA probationers with SSA prison releases; and (3) a comparison of individual categories of probationers or prisoners with the sample as a whole.

Demographic Characteristics

Table 2.1 contains information describing the personal characteristics of the FY 1998/99 sample. Of the 58,238 offenders, 80.4% were male, 56.7% were black, 15.2% were married, 47.9% had twelve or more years of education, and their average age was 29. Probationers (and, in particular, probationers with community punishments) had a higher percentage of females than prisoners. On average, offenders who were placed on probation were slightly younger than offenders who were released from prison.

Criminal History

It is important to look at the number of prior arrests for the offenders in the sample since previous research indicates that prior arrests are a strong predictor of recidivism (Clarke and Harrison, 1992; Ross and Jones, 1996; NC Sentencing and Policy Advisory Commission, 1997; NC Sentencing and Policy Advisory Commission, 1998; NC Sentencing and Policy Advisory Commission, 2000; NC Sentencing and Policy Advisory Commission, 2002). Information on prior arrests for the FY 1998/99 sample is provided in Table 2.2.¹² Overall, nearly 77% of offenders (n=44,804) had one or more prior arrests, with a total of 160,855 prior arrests for the entire sample. Almost 94% of prisoners had prior arrests compared to 69% of probationers. Although prisoners represented a smaller percentage of the FY 1998/99 sample, they had a higher total number

¹² Fingerprinted arrest data from DCI were used to determine prior arrests. Prior arrests were defined as fingerprinted arrests that occurred before the conviction that placed the offender in this sample.

Table 2.1
Demographic Characteristics by Type of Supervision in the Community

Type of Supervision in the Community		N	% Male	% Black	Mean Age	Median Age	% Married	% With Twelve Years of Education or More
SSA Probation Entries	Community Punishment	29,054	72.7	50.4	28	26	16.1	49.7
	Intermediate Punishment	10,493	85.5	57.6	29	27	15.1	46.5
	PROBATION SUBTOTAL	39,547	76.1	52.3	28	26	15.8	48.8
Prison Releases	SSA Prison Release	13,409	88.3	66.0	30	29	13.0	44.8
	FSA Prison Release	5,282	92.3	65.7	32	31	15.7	49.0
	PRISON SUBTOTAL	18,691	89.5	65.9	30	30	13.8	45.9
TOTAL		58,238	80.4	56.7	29	28	15.2	47.9

NOTE: There are missing values for self-reported years of education.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

Table 2.2
Prior Arrests by Type of Supervision in the Community

Type of Supervision in the Community		N	% Any Prior Arrest	# with Any Prior Arrest	Total Number of Prior Arrests by Type of Crime				
					Overall	Violent	Property	Drug	Other
SSA Probation Entries	Community Punishment	29,054	63.2	18,360	45,448	8,184	24,015	11,998	6,926
	Intermediate Punishment	10,493	85.5	8,970	31,701	6,064	16,008	9,052	4,850
	PROBATION SUBTOTAL	39,547	69.1	27,330	77,149	14,248	40,023	21,050	11,776
Prison Releases	SSA Prison Release	13,409	93.1	12,480	59,371	10,434	32,871	15,533	8,473
	FSA Prison Release	5,282	94.6	4,994	24,335	4,638	14,959	4,707	2,808
	PRISON SUBTOTAL	18,691	93.5	17,474	83,706	15,072	47,830	20,240	11,281
TOTAL		58,238	76.9	44,804	160,855	29,320	87,853	41,290	23,057

SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

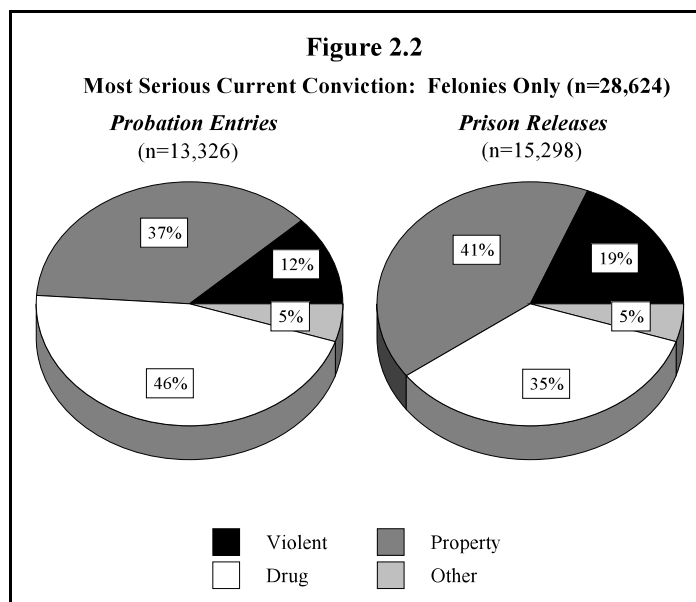
of prior arrests compared to probationers (83,706 total prior arrests compared to 77,149 total prior arrests, respectively). Compared to the other types of supervision, probationers sentenced to a community punishment had a considerably lower percentage of prior arrests (63.2%). The mean number of prior arrests for each group can be calculated by dividing the total number of arrests for a specific group by the number of offenders with any prior arrest for that group. The average number of prior arrests for the 44,804 offenders with a prior arrest was 3.6 (160,855/44,804), with probationers having an average of 2.8 prior arrests (77,149/27,330) and with prisoners having an average of 4.8 prior arrests (83,706/17,474). For all comparisons, prior property offenses comprised the highest volume of arrests, followed by drug offenses. As expected, prisoners had a higher total number and a higher mean number of violent prior arrests than probationers.

Intermediate punishment probationers fell in between community punishment probationers and prisoners with regard to their arrest history. For example, they fell in between the two groups when comparing the percent having prior arrests (85.5%) or a history of violence (with an average of 0.7 prior violent arrests for those having prior arrests). These findings confirm the philosophy behind Structured Sentencing that probationers who receive intermediate punishments are more serious offenders than those who receive community punishments, but less serious than those who receive prison sentences.

Most Serious Current Conviction

Overall, 49% (n=28,624) of the FY 1998/99 sample had a felony offense as the most serious current conviction and 51% (n=29,614) had a misdemeanor offense as the most serious current conviction.¹³ Figures 2.2 and 2.3 present the category of conviction (violent, property, drug, or “other”) for probation entries and prison releases by felony/misdemeanor status.

As shown in Figure 2.2, the majority of probationers with a felony conviction as the most serious current conviction had convictions for drug offenses (46%), followed by property offenses (37%). For prisoners with a felony conviction as the most serious

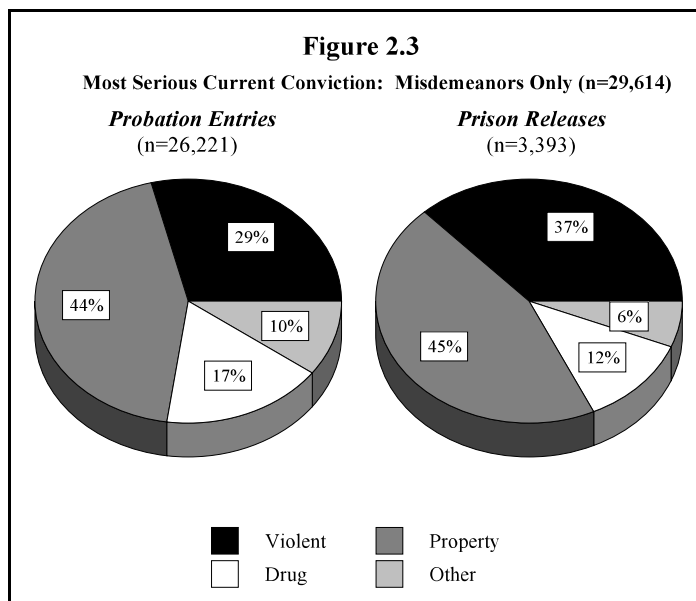


SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

¹³ Each offender's conviction(s) that placed him/her in the sample as a prison release or probation entry during FY 1998/99 were ranked in terms of seriousness and only the most serious conviction was used for analysis. For the sake of brevity, the term “most serious current conviction” is often referred to as “current conviction.”

current conviction, the majority had convictions for property offenses (41%), followed by convictions for drug offenses (35%). As anticipated, prisoners were more likely to have a current conviction for violent offenses (19%) than probationers (12%).

The majority of probationers and prisoners with current convictions for misdemeanor offenses were convicted of property offenses – 44% and 45% respectively (*see* Figure 2.3). Probationers had a higher percentage of drug convictions (17%) compared to prisoners (12%). As expected, prisoners had a higher percentage of violent convictions (37%) compared to probationers (29%).



SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99
Correctional Program Evaluation Data

The most serious current conviction by type of supervision in the community is presented in Table 2.3. Overall, 41.7% of the sample had a most serious current conviction for a property offense, followed by 27.8% for drug offenses, 23.1% for violent offenses, and 7.4% for “other” offenses. Community punishment probationers were more likely to have a most serious current conviction for a misdemeanor offense (80.1%) and the current conviction was most likely to be for a misdemeanor property offense (36.1%). Seventy-two percent of intermediate punishment probationers had a most serious current conviction for a felony offense and the current conviction was most likely to be for a felony drug offense (28.8%) or a felony property offense (25.5%). Almost 78% of SSA prison releases had a most serious current conviction for a felony offense, with 31.1% for property offenses and 30.6% for felony drug offenses. The majority of FSA prison releases (92.4%) had current convictions for felony offenses. FSA prison releases were most likely to have a current conviction for felony property offenses (40.5%) and felony violent offenses (26.8%). The average time served for prisoners was 8.5 months for SSA prison releases and 51.8 months for FSA prison releases.¹⁴

¹⁴ As noted previously, it is not appropriate to compare SSA prisoners with FSA prisoners because they are not comparable in terms of offense seriousness and time served. The data presented in Table 2.3 illustrate how the SSA prisoners differ from FSA prisoners in terms of offense seriousness and, therefore, are not comparable categories of offenders.

Table 2.3
Most Serious Current Conviction by Type of Supervision in the Community

Type of Supervision in the Community		N	Type of Conviction								% Total	
			% Violent		% Property		% Drug		% Other			
			Fel.	Misd.	Fel.	Misd.	Fel.	Misd.	Fel.	Misd.	Fel.	Misd.
SSA Probation Entries	Community Punishment	29,054	0.6	21.7	7.9	36.1	10.7	13.9	0.7	8.4	19.9	80.1
	Intermediate Punishment	10,493	13.8	12.7	25.5	9.5	28.8	3.3	3.9	2.5	72.0	28.0
	PROBATION SUBTOTAL	39,547	4.1	19.3	12.6	29.0	15.5	11.1	1.6	6.8	33.8	66.2
Prison Releases	SSA Prison Release	13,409	11.2	8.7	31.1	9.4	30.6	2.8	4.8	1.4	77.7	22.3
	FSA Prison Release	5,282	26.8	1.7	40.5	4.9	23.1	0.5	2.0	0.5	92.4	7.6
	PRISON SUBTOTAL	18,691	15.6	6.7	33.8	8.1	28.5	2.1	4.0	1.2	81.9	18.1
TOTAL		58,238	7.8	15.3	19.4	22.3	19.6	8.2	2.4	5.0	49.2	50.8

SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

Drug and Mental Health Referrals

There is considerable research evidence on the relationship between drugs/alcohol, mental health, and crime. Offenders often have a history of dual diagnosis (*i.e.*, having both substance abuse and mental disorders). In consideration of this relationship and in an effort to further understand recidivism, the Sentencing Commission obtained information regarding referrals to the Department of Health and Human Services' Division of Mental Health, Developmental Disabilities, and Substance Abuse Services. These data capture information on substance abuse and mental health issues for offenders and provide another descriptive measure of offenders not previously available.

Since 1970, the Department of Health and Human Services (DHHS) has maintained a confidential database called the Client Services Data Warehouse on all referrals to local programs. Maintaining client confidentiality, offenders in the FY 1998/99 recidivism cohort were matched into this client database. Of the 58,238 offenders, there were 22,911 who matched into the client database and their referral information became a part of the Sentencing Commission's final data set. A referral indicates that an offender attended at least an initial appointment for mental health, developmental disability, or substance abuse problems (referred to as "drug and mental health referrals" throughout the report). If an offender received a referral, but never attended an appointment, the offender will not be in the database. For this report, an offender had to be at least 16 years of age at the time of the referral. Diagnostic information was missing for most offenders and is therefore not presented. The information presented pertains to referrals prior and subsequent to a client's release from prison or placement on probation during FY 1998/99. It should be noted that the data do not reflect client participation and treatment measures.

Referral information by type of supervision in the community is presented in Table 2.4 and Figure 2.4. In that context, it should be noted that many of the referrals might have occurred as dispositional conditions, not necessarily related to the sentence for which an offender was included in this study cohort. Again, it should be noted that offenders with a referral attended at least one appointment. Drug and mental health referrals may be related to conditions of probation for both community and intermediate probationers, as well as conditions of parole supervision for FSA parolees or post-release supervision for certain SSA prison releases. Of the 58,238 offenders, 39.3% (n=22,911) had at least one DHHS referral, with an average of 0.7 referrals for the entire sample. Of those with at least one referral, the mean number of referrals was 1.8. Comparing across all groups, SSA prison releases had the highest percentage of referrals (47.4%) followed closely by probationers with intermediate punishments (45.1%). Overall, prisoners had a higher percentage of referrals than probationers (45.1% compared to 36.6%, respectively).

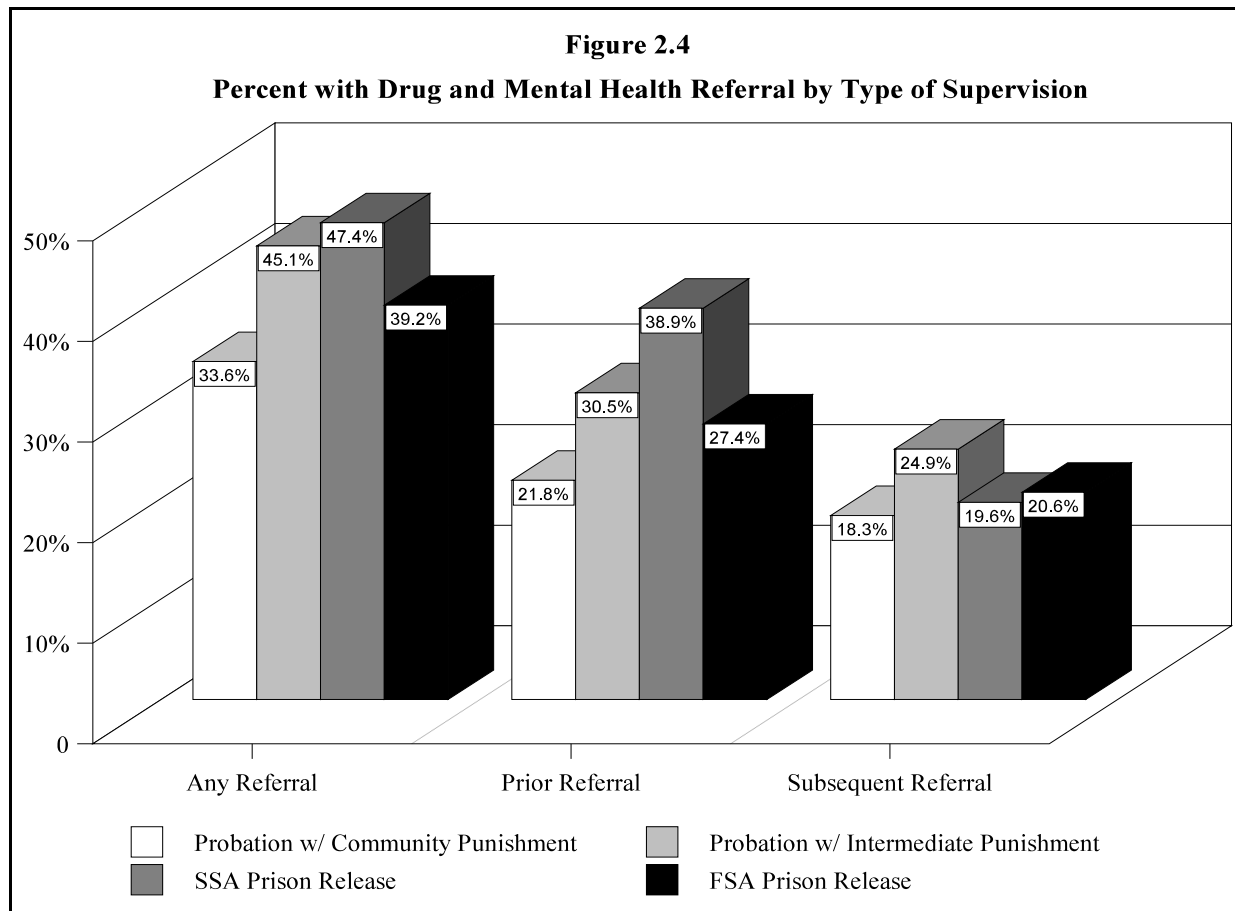
Table 2.4 also provides information on referrals based on the timing of the referral. Prior referrals occurred prior to an offender's release from prison or entry to probation, and subsequent referrals occurred after an offender's release from prison or entry to probation. Prior referrals were found to vary by the type of supervision in the community. Overall, 27.8% of offenders had at least one prior referral, with an average of 0.4 prior referrals for the entire sample. Of those with at least

Table 2.4
Drug and Mental Health Referrals by Type of Supervision in the Community

Type of Supervision in the Community		N	Drug and Mental Health Referrals					
			Any		Prior*		Subsequent*	
			%	Mean	%	Mean	%	Mean
SSA Probation Entries	Community Punishment	29,054	33.6	0.6	21.8	0.3	18.3	0.2
	Intermediate Punishment	10,493	45.1	0.8	30.5	0.5	24.9	0.3
	PROBATION SUBTOTAL	39,547	36.6	0.6	24.1	0.4	20.0	0.3
Prison Releases	SSA Prison Release	13,409	47.4	0.9	38.9	0.6	19.6	0.3
	FSA Prison Release	5,282	39.2	0.6	27.4	0.4	20.6	0.3
	PRISON SUBTOTAL	18,691	45.1	0.8	35.7	0.6	19.8	0.3
TOTAL		58,238	39.3	0.7	27.8	0.4	20.0	0.3

* Prior referrals may occur from an offender's 16th birthday but prior to release from prison or placement on probation during FY 1998/99. Subsequent referrals occur during the follow-up period subsequent to an offender's release from prison or placement on probation during FY 1998/99.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data



SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

one prior referral, the average number of prior referrals was 1.5. Prisoners (and, in particular, SSA prison releases) had a higher percentage of prior referrals than probationers (35.7% and 24.1%, respectively). SSA prison releases had a higher percentage of prior referrals than FSA prison releases (38.9% compared to 27.4%, respectively). Almost 31% of probationers with intermediate punishments had a prior referral compared to 21.8% of probationers with community punishments, which may be due to a difference in the criminal history and sentence-related referrals of intermediate probationers versus community probationers.

As expected, the percentage of offenders with subsequent referrals was lower than the percentage with prior referrals because most offenders had less time to accumulate subsequent referrals. Compared to the 27.8% of offenders with prior referrals, only 20.0% of offenders had a subsequent referral, with an average of 0.3 subsequent referrals for the entire sample. Of those with at least one subsequent referral, the average number of subsequent referrals was 1.3. While prisoners and probationers were quite different with regard to prior referrals, the difference disappeared with subsequent referrals. Based on offenders' reporting of the referral source, 37% of probationers' subsequent referrals could be identified as a condition of their current probation sentence. Among prison releases, there was a slight difference between FSA and SSA prison releases with 20.6% of FSA prison releases having at least one subsequent referral compared to 19.6% of SSA prison

releases, most likely related to conditions of parole supervision for FSA prisoners. Twenty-five percent of probationers with intermediate punishments had a subsequent referral (the highest percentage across all groups) compared to 18.3% of probationers with community punishments. Again, the difference in subsequent referrals between intermediate and community probationers may be explained by a different likelihood of referrals as a condition of probation for the two groups.

Offender Risk and Recidivism

Evaluations of correctional programs using recidivism as the outcome measure of “success” are fairly commonplace. However, a frequent problem encountered by both researchers and policy makers interpreting the results of these studies is that most have no way to control for different levels of offender risk. Offenders vary in their risk of recidivating, independent of any intervention provided. This finding has been confirmed repeatedly in research, and is being applied in correctional policy to classify inmate custody levels and in risk assessments used for sentencing and parole decisions.

In a perfect research setting, offenders would be randomly selected into the various correctional programs to be evaluated. In the reality of corrections this is not possible because of practical, public safety, and legal considerations. Instead, this study attempts to control statistically for types of offenders by developing a risk model that divides offenders into three levels of risk: high, medium and low. Using risk level as an independent control variable allows for a comparative analysis of the recidivism rates of offenders who did and did not participate in a particular program or intervention.

Components of Risk

Variables used to create the “risk” measure for this study are those identified in the literature as increasing or decreasing a person’s risk of being arrested.¹⁵ For the purposes of this study, risk is defined as *the projected probability of rearrest*, and is not intended to measure seriousness of future offenses or offender dangerousness.

A composite measure, risk is made up of a number of factors that can be loosely divided into the following three categories:

1. **Personal Characteristics**
 - ▶ *Offender’s age when placed on probation or released from prison*
 - ▶ *Sex*

¹⁵ Previous recidivism studies conducted by the North Carolina Sentencing and Policy Advisory Commission have used a measure of risk control in the analysis, and found that many of the differences between programs diminished when risk was controlled for (Clarke and Harrison, 1992; NC Sentencing and Policy Advisory Commission, 1998; NC Sentencing and Policy Advisory Commission, 2000; NC Sentencing and Policy Advisory Commission, 2002). See the section in Appendix B-2 on risk for a more in-depth discussion of how the risk score was developed for this study.

- ▶ *Race¹⁶*
- ▶ *Marital status*
- ▶ *Employment status at time of arrest for the offense that placed the offender in the sample*
- ▶ *History of substance abuse*

2. Criminal History

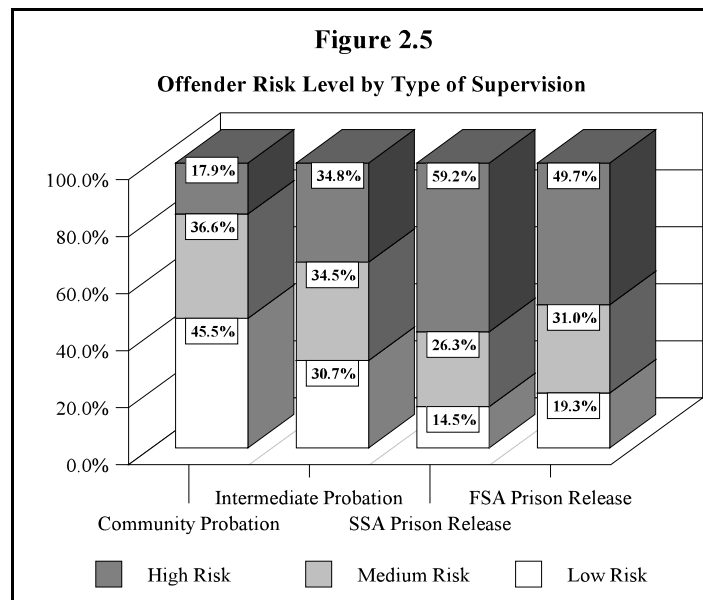
- ▶ *Age at first arrest*
- ▶ *Length of criminal history*
- ▶ *Number of prior arrests*
- ▶ *Number of prior drug arrests*
- ▶ *Number of prior probation/parole revocations*
- ▶ *Number of prior probation sentences*
- ▶ *Number of prior prison sentences*

3. Current Sentence Information

- ▶ *Offense class*
- ▶ *Maximum sentence length*

A risk score was computed for all offenders in the sample based on these factors. The offenders were then divided into three groups of approximately equal size according to their risk score, with the lowest third as “Low Risk,” the middle third as “Medium Risk,” and the top third as “High Risk.”

As shown in Figure 2.5, risk level varied by the type of supervision in the community. Probationers sentenced to a community punishment were much more likely to be low risk than offenders supervised in other ways. For instance, only 14.5% of SSA prison releases were low risk compared to 45.5% of probationers sentenced to a community punishment. Conversely, prisoners were much more likely to be high risk than probationers.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99
Correctional Program Evaluation Data

¹⁶ Race was collapsed into two categories, black and non-black. White, Asian and Indian offenders as well as offenders with an “other” or “unknown” race were included in the non-black category.

Summary

Chapter Two provided a description of the FY 1998/99 sample's demographic characteristics, prior criminal history, current conviction, drug and mental health referrals, and offender risk level. Of the 58,238 offenders placed on probation or released from prison in FY 1998/99, 80% were male, 57% were black, 77% had at least one prior arrest, 49% had a most serious conviction for a felony offense, and about 39% had at least one drug and mental health referral. Offender risk level was found to increase by type of supervision, with community punishment probationers having the lowest risk scores and SSA prison releases having the highest risk scores. Chapter Three examines the sample's subsequent criminal involvement, as measured by rearrests, reconvictions, technical revocations, and (re)incarcerations.

CHAPTER THREE

CRIMINAL JUSTICE OUTCOME MEASURES FOR THE FY 1998/99 SAMPLE

Definition of the Follow-Up Period and Adjustment for Time at Risk

For the Sentencing Commission's previous two recidivism studies, each offender in the sample was followed for a period of two years to determine whether recidivist arrests or convictions occurred.¹⁷ The two-year follow-up period was calculated on an individual basis using the prison release date plus two years for prison releases and using the probation entry date plus two years for probation entries. A fixed follow-up period was used in an attempt to obtain the same "window of opportunity" for each offender to reoffend. In actuality, the same window of opportunity was not necessarily available due to technical probation or parole revocations which result in incarceration or due to the commission of new crimes which result in incarceration.¹⁸ Incarcerations resulting from technical revocations may artificially reduce recidivism since the offender no longer has the same amount of time in the community to reoffend. As a result, offenders who were not rearrested during the follow-up may appear to be a success but may have actually experienced another type of criminal justice failure (*i.e.*, technical revocation and incarceration) during the follow-up period.

For the current recidivism study the follow-up period was extended to four years, with one-year, two-year, three-year, and four-year recidivism rates reported.¹⁹ A four-year follow-up period was used to allow for the examination of trends in recidivism rates over a longer period of time. In a major methodological improvement to the Commission's previous reports, this report also takes into account each offender's actual time at risk (*i.e.*, their actual window of opportunity to recidivate) by identifying their periods of incarceration in North Carolina's prison system and subtracting the time incarcerated from the follow-up period.²⁰ As expected, the percent of the sample at risk for the entire follow-up period declined across the follow-up period (*see* Table 3.1). Overall, 87% of the FY 1998/99 sample were at risk for the entire one-year follow-up period, 78% were at risk for the

¹⁷ Fingerprinted arrest data from DCI were used to determine recidivist arrests and convictions. Recidivist arrests were defined as fingerprinted arrests that occurred after an offender was released from prison or placed on probation for the conviction that placed him/her in the sample. Recidivist convictions were defined as convictions that occurred after an offender was released from prison or placed on probation for the conviction that placed him/her in the sample.

¹⁸ Technical revocations result from failure to comply with the conditions of probation, post-release supervision, or parole (as opposed to a new violation of the law), such as having positive drug tests, failing to attend court-ordered treatment, or violating curfew.

¹⁹ Each follow-up period reported is inclusive of the previous follow-up periods, *e.g.*, the two-year follow-up period contains information on events that occurred during the first and second years of follow-up. As a result, the recidivism rates reported for each follow-up period cannot be added across follow-up periods.

²⁰ Since each of North Carolina's county jails maintains its own data, it was not possible to account for time spent in county jails during follow-up.

Table 3.1
Percent at Risk and Average Time at Risk by Type of Supervision

Type of Supervision in the Community	N	Percent at Risk and Average Time at Risk			
		1-Year Follow-Up (365 Days)	2-Year Follow-Up (730 Days)	3-Year Follow-Up (1,095 Days)	4-Year Follow-Up (1,460 Days)
SSA Probation Entries	Community Punishment	94%	87%	83%	80%
		359 days	708 days	1,057 days	1,405 days
	Intermediate Punishment	72%	60%	54%	51%
		324 days	634 days	955 days	1,281 days
	PROBATION SUBTOTAL	88%	80%	75%	72%
		350 days	688 days	1,030 days	1,372
Prison Releases	SSA Prison Release	87%	73%	63%	57%
		349 days	673 days	987 days	1,297 days
	FSA Prison Release	87%	75%	66%	60%
		351 days	674 days	985 days	1,290 days
	PRISON SUBTOTAL	87%	73%	64%	58%
		349 days	673 days	986 days	1,295 days
TOTAL	58,238	87%	78%	72%	68%
		350 days	683 days	1,016 days	1,348 days

SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

entire two-year follow-up period, 72% were at risk for the entire three-year follow-up period, and 68% were at risk for the entire four-year follow-up period. While there was relatively little difference between probationers and prisoners with regards to the average time at risk for the one-year and two-year follow-up periods, differences between the two groups increased for the three- and four-year follow-up periods, with prisoners being at risk fewer days than probationers (986 days compared to 1,030 days for the three-year follow-up and 1,295 days compared to 1,372 days for the four-year follow-up, respectively). Of the four types of supervision in the community, probationers with an intermediate punishment had the lowest percentage of offenders who were at risk for the entire follow-up period and were at risk fewer days during follow-up.

Criminal Justice Outcome Measures

Historically, the Sentencing Commission has used rearrest as its primary measure of recidivism, supplemented with reconviction rates. However, as described in Chapter One, reconviction and (re)incarceration are additional measures of recidivism. As a further improvement to the Commission's recidivism report, two criminal justice outcome measures – technical revocation rates and (re)incarceration rates – have been added as measures of recidivism.

Recidivist Arrests

Overall, 21.0% of the FY 1998/99 sample were rearrested during the one-year follow-up, 31.2% were rearrested during the two-year follow-up, 37.8% were rearrested during the three-year follow-up, and 42.7% were rearrested during the four-year follow-up (*see* Table 3.2). However, these recidivism rates do not take into account the fact that some offenders were not at risk for the entire follow-up period as a result of incarceration. Using this information, recidivism rates that estimate the rate of rearrest that would have occurred if every offender were at risk for the entire follow-up period were calculated.²¹ Throughout the report, the rearrest rates with the time at risk adjustment will be referred to as “adjusted rearrest rates,” while rearrest rates that have not been adjusted for time at risk will continue to be referred to as “rearrest rates.”

Table 3.2 presents the rearrest rates found for the FY 1998/99 sample for each of the follow-up periods, as well as the adjusted rearrest rates. The adjusted rearrest rates are similar to the rearrest rates when the average time at risk during the follow-up period is close to the maximum time for that follow-up period. For example, probationers with a community punishment were at risk for an average of 359 days during the one-year follow-up period (*see* Table 3.1). Since there was little difference between the actual time at risk (an average of 359 days) and the follow-up period (365 days) for this group, there was only a small difference between their rearrest rate and adjusted rearrest rate (16.5% and 16.8%, respectively). As another example, probationers with an intermediate punishment were at risk for an average of 324 days during the one-year follow-up period (*see* Table 3.1). Since there was a larger difference between the actual time at risk (an

²¹ Recidivism rates that take into account the actual time at risk for each offender (which are referred to as adjusted rearrest rates) were derived by dividing the sum of the actual follow-up time for the sample by the sum of the maximum follow-up time for the sample (*e.g.*, actual days/365 days for the one-year follow-up, actual days/730 days for the two-year follow-up, etc.). This results in a sample size that has been reduced based on time at risk. The number of offenders arrested during the follow-up period was then divided by the reduced sample size, which results in an adjusted rearrest rate that is based on time at risk during the follow-up period.

Table 3.2
Rearrest Rates and Adjusted Rearrest Rates* by Type of Supervision

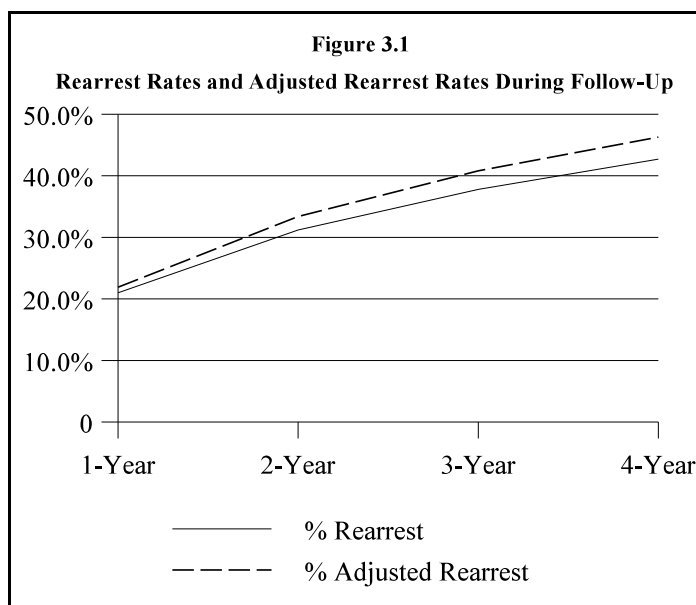
Type of Supervision in the Community		N	1-Year Follow-Up		2-Year Follow-Up		3-Year Follow-Up		4-Year Follow-Up	
			% Rearrest	% Adjusted Rearrest	% Rearrest	% Adjusted Rearrest	% Rearrest	% Adjusted Rearrest	% Rearrest	% Adjusted Rearrest
SSA Probation Entries	Community Punishment	29,054	16.5	16.8	24.2	25.0	29.7	30.8	33.9	35.2
	Intermediate Punishment	10,493	21.5	24.3	32.0	36.9	39.3	45.1	44.8	51.1
PROBATION SUBTOTAL		39,547	17.9	18.7	26.3	27.9	32.3	34.3	36.8	39.1
Prison Releases	SSA Prison Release	13,409	29.3	30.7	43.3	47.0	51.2	56.8	56.9	64.1
	FSA Prison Release	5,282	23.3	24.2	37.3	40.4	45.8	50.9	51.5	58.3
	PRISON SUBTOTAL	18,691	27.6	28.9	41.6	45.2	49.6	55.1	55.4	62.4
TOTAL		58,238	21.0	21.9	31.2	33.4	37.8	40.8	42.7	46.3

* Adjusted rearrest rates take into account actual time at risk to reoffend during the follow-up period.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

average of 324 days) and the follow-up period (365 days) for this group, there was also a larger difference between their rearrest rate and adjusted rearrest rate (21.5% and 24.3%, respectively).

As expected, both the rearrest rate and the adjusted rearrest rate increased over the four-year follow-up period (*see* Figure 3.1). The adjusted rearrest rate differs more substantially from the rearrest rate in the later years of the follow-up period. This difference can be attributed to new crimes that result in incarceration in prison (*i.e.*, some portion of those rearrested will also be reconvicted and sentenced to prison) and technical revocations to prison, both of which result in fewer days at risk of reoffending over the total follow-up period.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation

Overall, prisoners were more likely to be rearrested than probationers, with a 41.6% rearrest rate and 45.2% adjusted rearrest rate for the two-year follow-up period and with a 55.4% rearrest rate and 62.4% adjusted rearrest rate for the four-year follow-up period. Probationers with a community punishment were the least likely of the four types of supervision to be rearrested overall and after taking into account time at risk, followed by probationers with intermediate punishments.²²

Table 3.3 provides information on the actual number of arrests for those who were rearrested during the follow-up period, as well as the types of crimes for which they were rearrested. The 18,172 offenders who were rearrested during the two-year follow-up accounted for a total of 34,950 arrests during this period, with 6,770 arrests for violent offenses, 16,148 arrests for property offenses, and 9,827 arrests for drug offenses. The 24,886 offenders who were rearrested during the four-year follow-up accounted for a total of 61,396 arrests during this period, with 12,069 arrests for violent offenses, 27,723 arrests for property offenses, and 16,975 arrests for drug offenses. While probationers were less likely to be rearrested than prisoners, they accounted for a higher volume of arrests due to the larger number of probation entries in the FY 1998/99 sample.

Using data presented in Table 3.3, the mean number of rearrests for each group can be calculated by dividing the total number of arrests for a specific group by the number of offenders with any rearrest for that group. For example, the average number of overall arrests for those who were rearrested was 1.9 (34,950/18,172) for the two-year follow-up and 2.5 for the four-year follow-up (61,396/24,886). Prisoners who were rearrested had a slightly higher average number of rearrests

²² As noted in Chapter Two, it is not appropriate to contrast SSA prison releases with FSA prison releases because they are not comparable in terms of offense seriousness and time served.

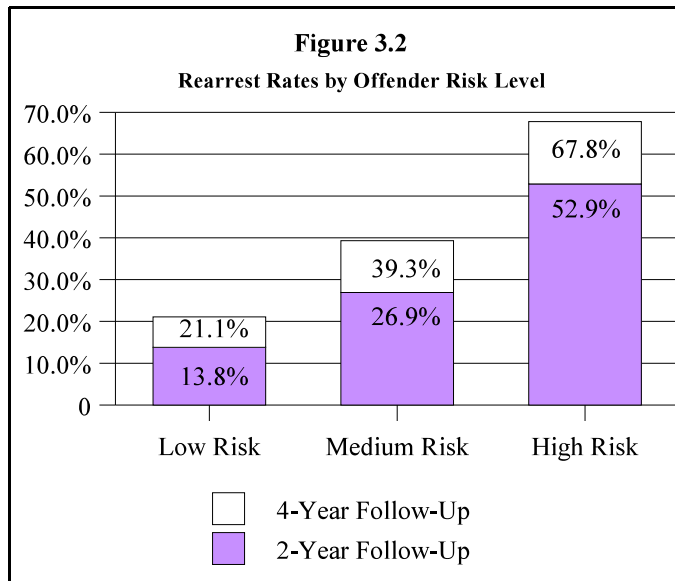
Table 3.3
Rearrests by Type of Supervision and Crime Type

Type of Supervision in the Community		2-Year Follow-Up						4-Year Follow-Up					
		# with Any Rearrest	Total Number of Arrests					# with Any Rearrest	Total Number of Arrests				
			Overall	Violent	Property	Drug	Other		Overall	Violent	Property	Drug	Other
SSA Probation Entries	Community Punishment	7,042	12,735	2,479	5,943	3,480	3,015	9,836	22,347	4,491	10,110	6,124	5,771
	Intermediate Punishment	3,355	6,178	1,159	2,799	1,764	1,574	4,703	11,095	2,164	4,852	3,156	3,059
PROBATION SUBTOTAL		10,397	18,913	3,638	8,742	5,244	4,589	14,539	33,442	6,655	14,962	9,280	8,830
Prison Releases	SSA Prison Release	5,805	12,073	2,274	5,543	3,573	3,155	7,626	20,832	3,902	9,475	5,935	5,830
	FSA Prison Release	1,970	3,964	858	1,863	1,010	1,093	2,721	7,122	1,512	3,286	1,760	2,143
	PRISON SUBTOTAL	7,775	16,037	3,132	7,406	4,583	4,248	10,347	27,954	5,414	12,761	7,695	7,973
TOTAL		18,172	34,950	6,770	16,148	9,827	8,837	24,886	61,396	12,069	27,723	16,975	16,803

SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

(2.1 for the two-year follow-up and 2.7 for the four-year follow-up) than probationers (1.8 for the two-year follow-up and 2.3 for the four-year follow-up). Overall, the average number of violent arrests was 0.5 for those with a recidivist arrest during the four-year follow-up. Little variation was found between the groups with regard to recidivist arrests for violent offenses during the four-year follow-up, with an average of 0.5 for all groups except for FSA prison releases who had an average of 0.6 violent convictions.

As shown in Figure 3.2, recidivism rates varied considerably by risk level, with a stair-step increase in the percentage rearrested from low risk to medium risk to high risk. Table 3.4 provides further detail with both rearrest rates and adjusted rearrest rates by type of supervision in the community and offender risk level. As with Table 3.2, the adjusted rearrest rates are similar to the rearrest rates when the average time at risk during the follow-up period is close to the maximum time for that follow-up period. For the four-year follow-up period, 86% of low risk offenders, 71% of medium risk offenders, and 47% of high risk offenders were at risk for the entire follow-up period. On average, low risk offenders were at risk 1,423 days, medium risk offenders were at risk 1,375 days, and high risk offenders were at risk 1,244 days during the four-year follow-up period. High risk offenders had a rearrest rate of 67.8% and an adjusted rearrest rate of 79.6% during the four-year follow-up period – over three times higher than the rearrest rate and adjusted rearrest rate of low risk offenders (21.1% and 21.7%, respectively).



SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

As shown in Table 3.4, the stair-step pattern in rearrest rates found for offender risk level for the entire sample was also found when examining offender risk level by type of supervision in the community. Figure 3.3 illustrates the relationship between type of supervision in the community and rearrest during the four-year follow-up period when controlling for risk level. Once risk level is controlled for, most of the differences in rearrest rates between offenders on different types of supervision disappear. During the four-year follow-up period, rearrest rates for low risk offenders ranged from 19.2% for probationers with a community punishment to 28.6% for SSA prison releases. Rearrest rates for high risk offenders ranged from 65.7% for probationers with a community punishment to 69.7% for SSA prison releases over the four-year follow-up period.

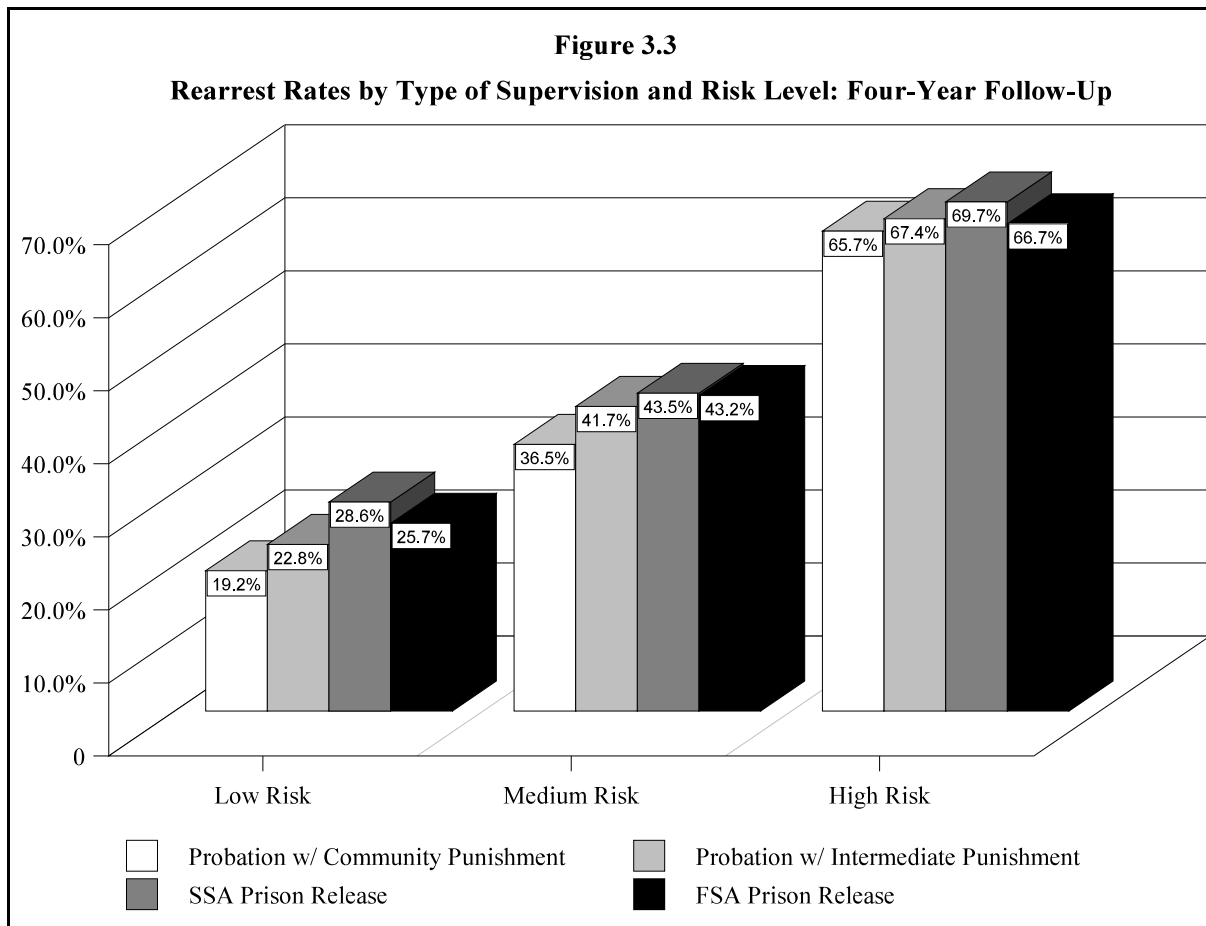
For those who were rearrested during the four-year follow-up period, their first rearrest occurred an average of 16.3 months after entry to probation or release from prison. There was little variation in the time to first rearrest among the four groups. The average number of months to rearrest was 16.5 for community punishment probationers, 16.6 for intermediate punishment probationers, 15.4 for SSA prison releases, and 17.1 for FSA prison releases.

Table 3.4
Rearrest Rates and Adjusted Rearrest Rates* by Type of Supervision and Offender Risk Level

Type of Supervision in the Community		2-Year Follow-Up						4-Year Follow-Up					
		% Rearrest by Offender Risk Level						% Rearrest by Offender Risk Level					
		Low		Medium		High		Low		Medium		High	
		% Rearrest	% Adjusted Rearrest	% Rearrest	% Adjusted Rearrest	% Rearrest	% Adjusted Rearrest	% Rearrest	% Adjusted Rearrest	% Rearrest	% Adjusted Rearrest	% Rearrest	% Adjusted Rearrest
SSA Probation Entries	Community Punishment	12.7	12.8	24.9	25.7	52.3	57.1	19.2	19.5	36.5	37.8	65.7	73.4
	Intermediate Punishment	14.6	15.8	28.8	32.5	50.5	63.3	22.8	24.3	41.7	46.7	67.4	83.4
PROBATION SUBTOTAL		13.0	13.4	25.9	27.3	51.5	59.4	19.9	20.4	37.8	39.9	66.4	77.3
Prison Releases	SSA Prison Release	18.0	18.5	29.9	31.4	55.4	62.0	28.6	29.8	43.5	46.6	69.7	82.0
	FSA Prison Release	17.5	18.0	29.3	31.0	50.0	56.2	25.7	26.8	43.2	47.0	66.7	80.1
	PRISON SUBTOTAL	17.8	18.3	29.7	31.3	54.1	60.6	27.6	28.8	43.4	46.7	69.0	81.5
TOTAL		13.8	14.1	26.9	28.3	52.9	60.1	21.1	21.7	39.3	41.7	67.8	79.6

* Adjusted rearrest rates take into account actual time at risk to reoffend during the follow-up period.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data



SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

Recidivist Convictions

Overall, 9.8% of the FY 1998/99 sample had a reconviction during the one-year follow-up period, 19.8% had a reconviction during the two-year follow-up period, 26.7% had a reconviction during the three-year follow-up period, and 31.7% had a reconviction during the four-year follow-up period (*see* Table 3.5).²³ Prisoners generally had a higher percentage of recidivist convictions during the follow-up period than probationers. For example, 42.8% of prisoners had a recidivist conviction during the four-year follow-up compared to 26.5% of probationers. Intermediate punishment probationers had a higher percentage of recidivist convictions during the four-year follow-up than community punishment probationers, with 33.1% of intermediate punishment probationers having recidivist convictions compared to 24.1% of community punishment probationers. During the four-year follow-up period, 13.5% of low risk offenders, 28.1% of medium risk offenders, and 53.6% of high risk offenders had a recidivist conviction.

²³ For this study, an improvement was made in the way the Sentencing Commission uses DCI data to determine reconviction rates. This improvement results in revised reconviction rates compared to the Commission's 2002 report.

Table 3.5
Reconviction Rates by Type of Supervision

Type of Supervision in the Community		N	% Reconviction:			
			1-Year Follow-Up	2-Year Follow-Up	3-Year Follow-Up	4-Year Follow-Up
SSA Probation Entries	Community Punishment	29,054	7.8	15.0	20.1	24.1
	Intermediate Punishment	10,493	10.7	20.1	27.6	33.1
	PROBATION SUBTOTAL	39,547	8.6	16.4	22.1	26.5
Prison Releases	SSA Prison Release	13,409	13.9	28.8	38.0	44.2
	FSA Prison Release	5,282	8.6	22.5	32.0	39.1
	PRISON SUBTOTAL	18,691	12.4	27.0	36.3	42.8
TOTAL		58,238	9.8	19.8	26.7	31.7

SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

Table 3.6 provides information on the volume and types of recidivist convictions. The 11,527 offenders who had a recidivist conviction during the two-year follow-up accounted for a total of 15,718 convictions during this period, with the largest number of convictions for property offenses (7,320 convictions). The 18,462 offenders who had a recidivist conviction by the end of the four-year follow-up accounted for 30,889 convictions during this period, with 4,912 convictions for violent offenses, 14,019 convictions for property offenses, 8,716 convictions for drug offenses, and 8,157 convictions for “other” offenses. While a lower percentage of probationers had a recidivist conviction than prisoners, they accounted for a higher number of convictions than prisoners due to the larger number of probation entries in the FY 1998/99 sample.

Using data presented in Table 3.6, the mean number of recidivist convictions for each group can be calculated by dividing the total number of convictions for a specific group by the number of offenders with any recidivist conviction for that group. For example, the average number of overall convictions for those with a recidivist conviction was 1.4 (15,718/11,527) for the two-year follow-up and 1.7 for the four-year follow-up (30,889/18,462). Prisoners who were rearrested had a slightly higher average number of recidivist convictions (1.4 for the two-year follow-up and 1.7 for the four-year follow-up) than probationers (1.3 for the two-year follow-up and 1.6 for the four-year follow-up). Overall, the average number of violent convictions was 0.3 for those with a recidivist conviction during the four-year follow-up. Little variation was found between the groups with

Table 3.6
Reconvictions by Type of Supervision and Crime Type

Type of Supervision in the Community		2-Year Follow-Up						4-Year Follow-Up					
		# with Any Conv	Total Number of Convictions					# with Any Conv	Total Number of Convictions				
			Overall	Violent	Property	Drug	Other		Overall	Violent	Property	Drug	Other
SSA Probation Entries	Community Punishment	4,362	5,895	873	2,797	1,529	1,435	6,987	11,365	1,792	5,149	3,137	2,888
	Intermediate Punishment	2,111	2,788	381	1,297	794	727	3,476	5,633	848	2,528	1,644	1,494
PROBATION SUBTOTAL		6,473	8,683	1,254	4,094	2,323	2,162	10,463	16,998	2,640	7,677	4,781	4,382
Prison Releases	SSA Prison Release	3,865	5,479	822	2,508	1,583	1,410	5,932	10,633	1,641	4,828	3,094	2,829
	FSA Prison Release	1,189	1,556	298	718	401	457	2,067	3,258	631	1,514	841	946
	PRISON SUBTOTAL	5,054	7,035	1,120	3,226	1,984	1,867	7,999	13,891	2,272	6,342	3,935	3,775
TOTAL		11,527	15,718	2,374	7,320	4,307	4,029	18,462	30,889	4,912	14,019	8,716	8,157

SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

regard to recidivist convictions for violent offenses during the four-year follow-up, with an average of 0.3 for all groups except for intermediate punishment probationers who had an average of 0.2 violent convictions.

For offenders who had a recidivist conviction during the four-year follow-up period, their first recidivist conviction occurred an average of 21.1 months after entry to probation or release from prison. There was slight variation in the time to first reconviction among the four groups. The average number of months to reconviction was 21.0 for community punishment probationers, 21.1 for intermediate punishment probationers, 20.5 for SSA prison releases, and 23.1 for FSA prison releases.

Technical Revocations²⁴

Overall, 12.9% of the FY 1998/99 sample had a technical revocation during the one-year follow-up period, 22.1% had a technical revocation during the two-year follow-up period, 27.4% had a technical revocation during the three-year follow-up period, and 31.0% had a technical revocation during the four-year follow-up period (*see* Table 3.7). This analysis is limited to revocations that are technical in nature since revocations for new crimes would duplicate the recidivist arrest data. Of those offenders with a technical revocation during the four-year follow-up period, 85% had one technical revocation, 14% had two technical revocations, and 1% had three or more technical revocations. It is not surprising that the greatest increases in the technical revocation rates are in the first and second year of the follow-up period since most probation sentences in North Carolina do not exceed 3 years (36 months), although there are exceptions. It is possible that technical revocations in the later years of the follow-up period resulted from new probation sentences imposed during follow-up.

Of the four groups, probationers with an intermediate punishment had the highest technical revocation rates during the follow-up period, with 42.9% having a technical revocation within the four-year follow-up. Probationers with a community punishment had the second highest technical revocation rates during the follow-up period, with 29.9% having a technical revocation within the four-year follow-up period. It is not surprising that intermediate punishment probationers had a higher technical revocation rate than community punishment probationers since intermediate probationers are subject to closer monitoring and more restrictive sanctions while on probation.

During the four-year follow-up period, 19.1% of low risk offenders, 32.1% of medium risk offenders, and 41.9% of high risk offenders had a technical revocation. For offenders who had a technical revocation during the four-year follow-up period, their first technical revocation occurred

²⁴ DOC's OPUS data were used to determine technical revocations. Revocations are limited to those that are technical in nature since revocations for new crimes would duplicate the recidivist arrest data. Although probationers are the primary population at risk of technical revocation, prisoners may also be at risk of technical revocation as a result of post-release supervision, parole, or due to probation sentences consecutive to their prison sentences or resulting from probation sentences imposed for new crimes committed during the follow-up period. In the FY 1998/99 sample, 399 SSA prison releases were on post-release supervision after release from prison and 4,148 FSA prison releases were on parole after release from prison.

an average of 18.0 months after entry to probation or release from prison. The average number of months to technical revocation was 16.5 for community punishment probationers, 15.1 for intermediate punishment probationers, 24.1 for SSA prison releases, and 22.0 for FSA prison releases. One possible explanation for the longer average time to revocation for prison releases is that they may have committed a new crime during follow-up for which they were placed on probation and later revoked.

Table 3.7
Technical Revocation Rates by Type of Supervision

Type of Supervision in the Community		N	% Technical Revocation:			
			1-Year Follow-Up	2-Year Follow-Up	3-Year Follow-Up	4-Year Follow-Up
SSA Probation Entries	Community Punishment	29,054	13.6	23.0	27.2	29.9
	Intermediate Punishment	10,493	22.5	34.2	39.7	42.9
	PROBATION SUBTOTAL	39,547	16.0	26.0	30.6	33.4
Prison Releases	SSA Prison Release	13,409	6.0	13.9	21.1	26.8
	FSA Prison Release	5,282	7.4	14.1	19.5	24.3
	PRISON SUBTOTAL	18,691	6.4	14.0	20.6	26.1
TOTAL		58,238	12.9	22.1	27.4	31.0

SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

Recidivist Incarcerations²⁵

Of the FY 1998/99 sample, 12.7% had a recidivist incarceration during the one-year follow-up period, 22.6% had a recidivist incarceration during the two-year follow-up period, 28.4% had a recidivist incarceration during the three-year follow-up period, and 32.3% had a recidivist

²⁵ DOC's OPUS data were used to determine recidivist incarcerations (*i.e.*, incarcerations that occurred during the follow-up period). It must be noted that the data presented on recidivist incarcerations only include incarceration in North Carolina's state prison system. It does not include periods of incarceration in county jails or incarceration in other states. Incarcerations may have occurred as a result of the sentence imposed for a new crime committed during the follow-up period or due to a technical revocation during the follow-up period.

incarceration during the four-year follow-up period (as shown in Table 3.8). Recidivist incarcerations may have occurred as a result of the sentence imposed for a new crime committed during the follow-up period or due to a technical revocation during the follow-up period. Overall, prisoners were more likely to have a recidivist incarceration than probationers, with a 42.1% incarceration rate at the end of the four-year follow-up compared to 27.6% of probationers. Of the four groups, probationers with community punishments had the lowest incarceration rate during the follow-up period and probationers with intermediate punishments had the highest incarceration rate during the follow-up period. The high incarceration rates for this group are most likely linked to the high technical revocation rates for this group. Of those offenders with an incarceration during the four-year follow-up period, 72% had one incarceration, 22% had two incarcerations, 5% had three incarcerations, and 1% had four or more incarcerations during the four-year follow-up period.

During the four-year follow-up period, 14.2% of low risk offenders, 29.2% of medium risk offenders, and 53.4% of high risk offenders had a recidivist incarceration. For those who had an incarceration during the four-year follow-up period, their first incarceration occurred an average of 18.4 months after entry to probation or release from prison. The average number of months to incarceration was 20.1 for community punishment probationers, 13.2 for intermediate punishment probationers, 20.6 for SSA prison releases, and 20.7 for FSA prison releases.

Table 3.8
(Re)incarceration Rates by Type of Supervision

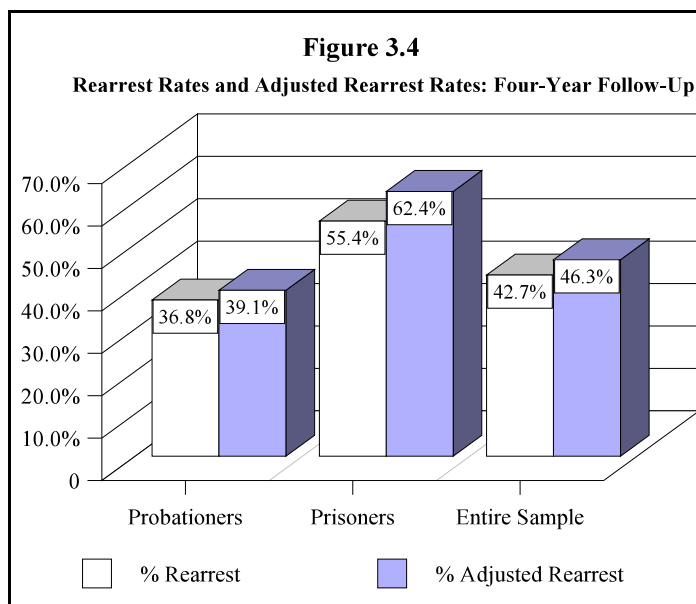
Type of Supervision in the Community		N	% (Re)incarceration:			
			1-Year Follow-Up	2-Year Follow-Up	3-Year Follow-Up	4-Year Follow-Up
SSA Probation Entries	Community Punishment	29,054	6.6	13.4	17.3	20.1
	Intermediate Punishment	10,493	28.5	40.4	45.7	48.6
	PROBATION SUBTOTAL	39,547	12.4	20.6	24.8	27.6
Prison Releases	SSA Prison Release	13,409	13.5	27.2	36.6	42.8
	FSA Prison Release	5,282	12.9	25.5	34.0	40.2
	PRISON SUBTOTAL	18,691	13.4	26.8	35.9	42.1
TOTAL		58,238	12.7	22.6	28.4	32.3

SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

Summary

Chapter Three introduced the concept of “time at risk” during the follow-up period. As described previously, this report takes into account each offender’s actual time at risk by identifying their periods of incarceration during follow-up and subtracting the time incarcerated from the follow-up period. The actual time at risk is then used to calculate adjusted rearrest rates, which take into account the fact that some offenders were not at risk for the entire follow-up period due to incarceration. These adjusted rearrest rates estimate the rate of rearrest that would have occurred if every offender were at risk for the entire follow-up period.

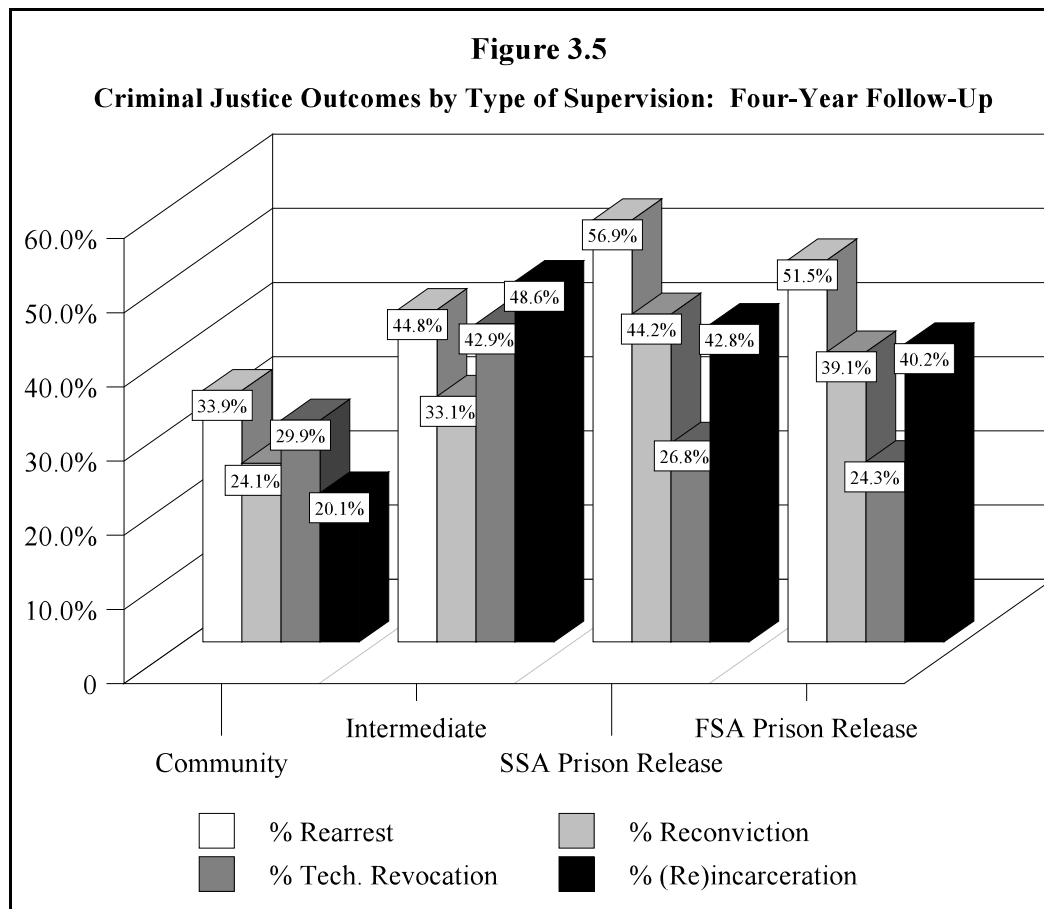
Examination of rearrest rates and adjusted rearrest rates over the four-year follow-up period indicates that rearrest rates increase, but at a decreasing rate. The highest rates of rearrest for all groups were in the first year. For the most part, rearrest rates doubled from the one-year follow-up to the four-year follow-up. Figure 3.4 provides a summary of rearrest rates and adjusted rearrest rates for the four-year follow-up period for probationers, prisoners, and the sample as a whole. Overall, almost 43% of the FY 1998/99 sample were rearrested during the four-year follow-up period, with an adjusted rearrest rate of 46%. Prisoners had higher rearrest rates and adjusted rearrest rates than probationers. The larger the difference between the average time at risk and the maximum time for follow-up, the larger the difference between the rearrest rates and adjusted rearrest rates.



SOURCE: NC Sentencing and Policy Advisory Commission,
FY 1998/99 Correctional Program Evaluation Data

For this study, the Sentencing Commission expanded its definition of recidivism to include technical revocations and (re)incarcerations, in addition to the traditional measures of rearrest and reconviction. Figure 3.5 summarizes criminal justice outcomes for the FY 1998/99 sample during the four-year follow-up period by type of supervision. Overall, prisoners had higher rearrest and reconviction rates than probationers. Intermediate punishment probationers had higher rearrest and reconviction rates than community punishment probationers. Probationers had higher technical revocation rates than prisoners, as would be expected given that probationers are the primary population at risk of technical revocation. Of the four groups, intermediate punishment probationers had the highest technical revocation rates and the highest (re)incarceration rates. As discussed in Chapter One, some offenders who formerly would have gone to prison have been shifted to probation (in this case, intermediate punishment probation) with the implementation of Structured Sentencing. Probationers with intermediate punishments are the most serious group of offenders

supervised in the community. Therefore, it is to be expected that they would fair worse than community punishment probationers in terms of the various measures of recidivism. Chapter Five provides further information on the probation violation and revocation process, as well as additional data on community and intermediate punishment probationers.

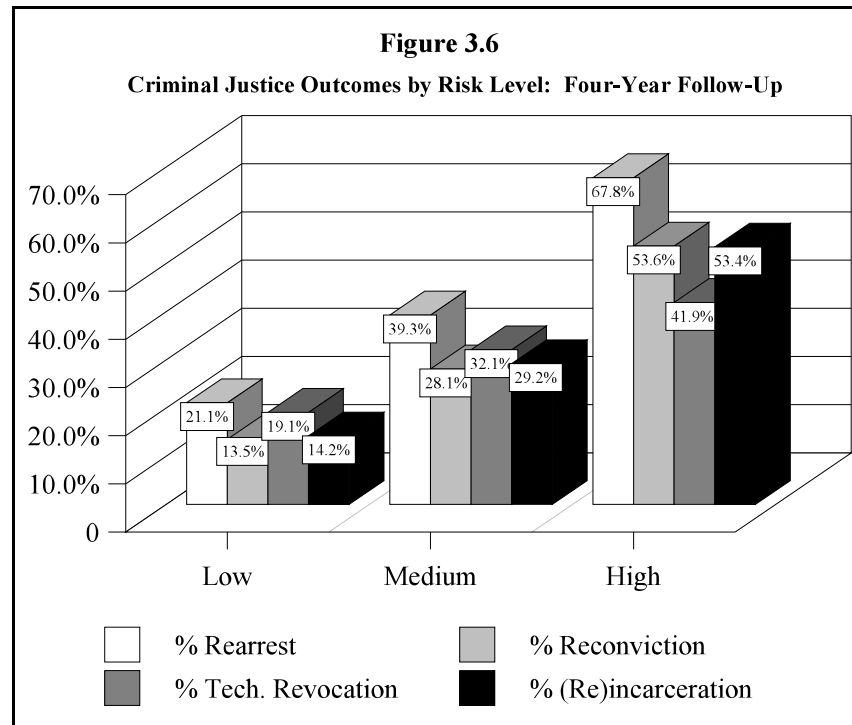


SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

Chapter Three also examined criminal justice outcomes by offender risk level. As shown in Figure 3.6, rates for all of the criminal justice outcome measures during the four-year follow-up period varied considerably by offender risk level, with a stair-step increase in rates from low risk to medium risk to high risk. When compared to low risk offenders, high risk offenders were over three times more likely to be rearrested, almost four times more likely to be reconvicted, about two times more likely to have a technical revocation, and over three times more likely to be (re)incarcerated.

While both type of supervision and offender risk level were found to provide a useful explanation for recidivism (as measured by the various criminal justice outcomes in Chapter Three), other characteristics also play an important role in explaining differences in recidivism rates. Offenders are sentenced and targeted for correctional programs based on legal factors such as the seriousness of their offense and prior record. This pre-selection can also be seen as classifying

offenders according to some notion of risk, although not necessarily risk of reoffending. This makes it difficult to determine the relative importance of offender risk level (as used in this study) versus type of supervision upon release to the community. Chapter Four expands the search for correlates of recidivism by including the type of correctional supervision and sanctions imposed to the list of factors analyzed. The multivariate analysis used in Chapter Four is a statistical method to account (or “control”) for and assess the net impact of preexisting factors (such as type of supervision or offender risk level) on the probability of rearrest, technical revocation, or (re)incarceration.



Source: NC Sentencing and Policy Advisory Commission, FY 1998/99
Correctional Program Evaluation Data

While several methodological improvements have been made beginning with the current study, several limitations to the data provided regarding recidivist incarcerations should be noted. The data in this chapter are based on incarcerations in state prison using DOC’s OPUS data. However, in North Carolina, only offenders who are sentenced to active terms greater than 90 days are incarcerated in state prison, while those sentenced to active terms 90 days or less are incarcerated in county jail. Lack of automated statewide county jail data for analysis affects the data presented in this chapter in two ways: 1) time incarcerated in county jails is not subtracted from actual time at risk during the follow-up and, as a result, does not factor into the adjusted rearrest rates; and 2) incarceration in county jails, either as a result of new sentences or technical revocations, is not included as part of the recidivist incarceration measure.

The lack of county jail data available for analysis is most evident when comparing technical revocation rates with (re)incarceration rates. Theoretically, (re)incarceration rates should be higher than technical revocation rates since (re)incarceration can result both from new sentences and technical revocations. (Re)incarceration rates are lower than technical revocation rates for community punishment probationers (*see* Figure 3.5). This finding can be attributed to both new sentences imposed that result in sentences served in county jail and to technical revocations that result in sentences served in county jail. Future research would benefit from the inclusion of county jail data when measuring recidivist incarcerations. However, unless county jail data from all 100 counties in North Carolina are automated statewide, the task of including such data would be very cumbersome and time-consuming.

CHAPTER FOUR

MULTIVARIATE ANALYSIS OF OUTCOME MEASURES

Multivariate Analysis: What is a Regression Model?

A regression model is a statistical tool used to estimate the association of a number of independent variables (*e.g.*, age, sex, offense seriousness) with a dependent variable (*e.g.*, rearrest, technical revocation, incarceration), apart from the contribution of any of the other variables in the model. This type of analysis allows for a determination of whether the type of supervision in the community and program participation, for example, have any relationship with an offender's probability of being rearrested, controlling for other factors such as age, race or criminal history. It also indicates the relative importance of other factors.

Using logistic regression, several models were developed to determine how a variety of independent variables (*e.g.*, sex, race, criminal history, program participation) may be related to the probability of rearrest for three groupings of offenders in the FY 1998/99 Correctional Program Evaluation sample: (1) all offenders (N=58,238), (2) prisoners (n=18,691), and (3) probationers (n=39,547).²⁶ In addition, other models were developed which examined the probability of technical probation revocation for probationers and the probability of recidivist incarceration for all offenders. *Although the analyses may reveal a relationship exists, it does not necessarily mean that an independent variable (e.g., sex) is the cause of the particular outcome (e.g., rearrest). Rather, it indicates a statistical association, which may or may not be due to a causal relationship.*²⁷

Dependent Variables (Criminal Justice Outcome Measures) Modeled

The regression analyses in this section model three dependent variables (or criminal justice outcome measures) for the four-year follow-up period:

- ▶ *Rearrest* – one or more fingerprinted rearrests for any criminal offense;
- ▶ *(Re)incarceration* – one or more incarcerations in DOC's state prison system; and
- ▶ *Technical revocation* – one or more technical revocations of probation.

²⁶ Logistic regression involves regression using the logit (*i.e.*, the logarithm of the odds) of an outcome occurring. This type of analysis is most appropriate for regression models with a dichotomous dependent variable such as being rearrested or not.

²⁷ The effects were converted from logistic model coefficients and indicate the estimated increase or decrease in the probability of an outcome occurring which is associated with each independent variable for the average offender. See Aldrich and Nelson (1984: 41-44) for further information on converting logistic coefficients to "effects." Logistic coefficients for each model are available from the Sentencing Commission upon request.

Independent Variables Used in the Regression Models

The independent variables used in the regression models can be loosely grouped into five categories.²⁸

1. Personal Characteristics

- ▶ *Age at the time of entry into the follow-up period*²⁹
- ▶ *Race*³⁰
- ▶ *Sex*
- ▶ *Marital status (i.e., married or not married) at the time of entry into the sample*
- ▶ *Employment status at the time of arrest for the offense that placed the offender in the sample*
- ▶ *History of substance abuse problems as identified by either a prison or probation assessment*
- ▶ *Drug or mental health referral prior to entry into the follow-up period*³¹
- ▶ *Risk level*

2. Current Offense Information

- ▶ *Offense seriousness* - whether the current offense was a felony
- ▶ *Severity of sentence* - whether the offender was sentenced to community probation (the least restrictive sentence), intermediate probation, or prison (the most restrictive sentence)
- ▶ *Maximum sentence length imposed*
- ▶ *Length of time spent in prison (in months) immediately prior to release was included for offenders released from prison*³²

²⁸ Note that not all of the independent variables listed were appropriate to use in all of the regression models presented in this chapter.

²⁹ The square of the offender's age at the time of entry into the follow-up period was used as a control variable.

³⁰ Race was collapsed into two categories, black and non-black. White, Asian and Indian offenders as well as offenders with an "other" or "unknown" race were included in the non-black category.

³¹ As described in Chapter Two, the Sentencing Commission obtained information regarding referrals to the Department of Health and Human Services' (DHHS) Division of Mental Health, Developmental Disabilities, and Substance Abuse Services (MH/DD/SA). A referral indicates that an offender attended at least an initial appointment for mental health, developmental disability, or substance abuse problems.

³² The square of the length of time spent in prison was also included in relevant models as a control variable.

3. Criminal History

- ▶ *Age at first arrest*
- ▶ *Number of prior fingerprinted arrests*
- ▶ *Number of prior drug arrests*
- ▶ *Number of prior times an offender was placed on probation or parole*
- ▶ *Number of prior revocations*
- ▶ *Number of prior incarcerations in North Carolina's prison system*

4. Type of Community Supervision

- ▶ *SSA probation with community punishments*
- ▶ *SSA probation with intermediate punishments*
- ▶ *SSA prison release*
- ▶ *FSA prison release*

5. Correctional Programs

- ▶ *Intensive Supervision Probation*
- ▶ *Special Probation*
- ▶ *Community Service*
- ▶ *IMPACT*
- ▶ *House Arrest with Electronic Monitoring*

6. Time at Risk during the Four-Year Follow-Up

- ▶ *Actual time at risk during the four-year follow-up was calculated for each offender by identifying his/her periods of incarceration in North Carolina's prison system within the follow-up time frame and subtracting the time incarcerated from the follow-up period. This variable is included in the model as a control variable.*

For purposes of discussion, only estimated effects that are statistically significant – that is, it is highly unlikely they are the result of random variation in sampling or chance – are reviewed.

Regression Analysis: Recidivist Arrest

Chapter Three of this report presented rearrest rates for the entire FY 1998/99 sample and for groups of offenders classified by their type of supervision in the community. The regression analyses described in this section isolate the net impact of factors such as type of supervision or personal characteristics on rearrest, and thus help identify relationships not apparent when simply looking at rearrest rates. Table 4.1 presents analyses of the likelihood of rearrest for all offenders (Model 1), prisoners (Model 2), and probationers (Model 3) based on the four-year follow-up period.

Table 4.1
Effect of Personal and Criminal Justice Factors on Recidivist Arrest

	Estimated Effect on Probability of Rearrest for:		
	Model 1: All Offenders (N=58,238) Average rearrest probability=42.7%	Model 2: All Prison Releases (n=18,691) Average rearrest probability=55.4%	Model 3: All Probation Entries (n=39,547) Average rearrest probability=36.8%
Independent Variables			
Personal Characteristics			
Age (each year)	-0.8%	-1.0%	-0.8%
Black	6.4%	7.3%	6.1%
Male	3.3%	<i>NS</i>	4.2%
Married	<i>NS</i>	<i>NS</i>	<i>NS</i>
Employed	-2.8%	<i>NS</i>	-3.9%
Substance Abuser	1.4%	<i>NS</i>	1.5%
Prior Drug and Mental Health Referral	5.7%	4.3%	5.9%
Risk Level	7.2%	4.9%	6.5%
Current Offense Information			
Felony	-7.5%	<i>NS</i>	-9.7%
Severity of Sentence	2.5%	N/A	N/A
Maximum Sentence Imposed (in months)	< -0.1%	<i>NS</i>	N/A
Time Spent in Prison (in months)	< 0.1%	<i>NS</i>	N/A
Criminal History			
Age at First Arrest	0.1%	<i>NS</i>	0.2%
# Prior Arrests	3.8%	2.8%	5.2%
Prior Drug Arrest	6.1%	6.5%	5.5%
# Prior Times on Probation/Parole	1.0%	<i>NS</i>	0.9%
# Prior Probation/Parole Revocations	1.6%	2.0%	1.8%
# Prior Incarcerations	-3.0%	-1.5%	-4.9%
# Prison Infractions	N/A	0.3%	N/A

Table 4.1 (cont.)
Effect of Personal and Criminal Justice Factors on Recidivist Arrest

Independent Variables	Estimated Effect on Probability of Rearrest for:		
	Model 1: All Offenders (N=58,238) Average rearrest probability=42.7%	Model 2: All Prison Releases (n=18,691) Average rearrest probability=55.4%	Model 3: All Probation Entries (n=39,547) Average rearrest probability=36.8%
Type of Community Supervision			
SSA Probation with Community Punishments	N/A	N/A	<i>reference category</i>
SSA Probation with Intermediate Punishments	N/A	N/A	-6.3%
SSA Prison Release	N/A	<i>reference category</i>	N/A
FSA Prison Release	N/A	-3.2%	N/A
Correctional Programs			
Intensive Supervision Probation	N/A	N/A	10.1%
Special Probation	N/A	N/A	5.5%
Community Service	N/A	N/A	2.7%
IMPACT	N/A	N/A	4.8%
House Arrest with Electronic Monitoring	N/A	N/A	4.0%
Time at Risk during 4-Year Follow-Up	< -0.1%	< -0.1%	< -0.1%

NS indicates that the effect is not statistically significant at $p > .05$.

Notes

1. For purposes of this study, rearrest is defined as one or more fingerprinted arrests during the four-year follow-up period starting at the time the offender was placed on probation or released from prison.
2. The figures in the table show the effect on the probability of rearrest compared with the mean probability in the data set.
3. The square of the offender's age and time served in prison were also included in the model as control variables.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

Model 1: Probability of Rearrest for All Offenders

Model 1 in Table 4.1 presents the estimated effects of each independent variable on an offender's probability of being rearrested during the four-year follow-up period. All offenders in the FY 1998/99 sample were included in this analysis. It should be noted again that only statistically significant findings are discussed in this section and presented in Table 4.1.

Overall, the analysis revealed that about 43% of all offenders were rearrested during the four-year follow-up period and that this outcome was related to a number of personal, offense-related and criminal history factors. The values presented for Model 1 indicate the approximate change in the probability of rearrest associated with each independent variable relative to a reference category. For example, offenders who were employed were 2.8% less likely than those who were not employed to be rearrested. Age was another personal characteristic that decreased an offender's chance of rearrest, with offenders being less likely to be rearrested as they get older. Personal characteristics affecting an offender's chance of being rearrested included sex, race, being a substance abuser, and having at least one prior drug and mental health referral. Male offenders were 3.3% more likely to be rearrested than females. Black offenders were 6.4% more likely to be rearrested than non-blacks. Offenders with a history of substance abuse were 1.4% more likely to recidivate than those offenders with no such history. Offenders with a prior drug and mental health referral were 5.7% more likely to be rearrested than those offenders with no such referral. Finally, the analysis also took into account individual offender risk levels. As expected, increases in risk level also increased the probability of rearrest. Medium risk offenders were 7.2% more likely to recidivate than low risk offenders and high risk offenders were 7.2% more likely to recidivate than medium risk offenders.

Controlling for all other factors, offenders convicted of a felony were 7.5% less likely to be rearrested than those convicted of a misdemeanor. The severity of an offender's sentence (as measured by whether an offender was sentenced to a community punishment, an intermediate punishment, or prison) also affected the probability of rearrest. Offenders sentenced to an intermediate punishment were 2.5% more likely to recidivate than offenders sentenced to a community punishment. Offenders sentenced to prison were about 2.5% more likely to recidivate than offenders sentenced to an intermediate punishment. In general, the more restrictive the punishment, the greater the chance of recidivism. Although the effects were small, sentence length and time spent in prison also impacted an offender's chance of being rearrested.

As expected, criminal history impacted the probability of rearrest. With the exception of the number of prior incarcerations, all of the criminal history factors included in the analysis increased an offender's chance of being rearrested. Offenders who had a prior drug arrest were 6.1% more likely to be rearrested than those who did not have a prior drug arrest. Generally speaking, the more times an offender was arrested, placed on probation or parole, or revoked from probation or parole, the greater the chance of being rearrested. Controlling for all other factors, the number of prior incarcerations was associated with a decreased likelihood of rearrest.

Time at risk during the follow-up period was also included in the analysis as a control variable. A negative relationship was found between time at risk and rearrest. As time at risk

increased, the chance of being rearrested decreased. Since time at risk is calculated by subtracting time incarcerated in state prison from the follow-up time, offenders who have more time at risk during follow-up either have not been incarcerated or have not been incarcerated for a long period of time during the follow-up (another way of measuring recidivism). Therefore, it is logical that offenders who were not incarcerated or were only incarcerated for a short time due to technical revocation were less likely to be rearrested.

Model 2: Probability of Rearrest for Prisoners

Model 2 in Table 4.1 focuses on the probability of rearrest for the 18,691 prison releases in the FY 1998/99 sample. Overall, about 55% of prison releases were rearrested during the four-year follow-up period. Note that only statistically significant findings are discussed in this section and presented in Table 4.1.

As found in the analysis for all offenders, older prisoners were less likely to recidivate. Black prisoners were 7.3% more likely to recidivate than non-blacks. Prisoners who had a prior drug and mental health referral were 4.3% more likely to be rearrested than those who did not have a referral. Similar to the findings for all offenders, risk level affected the probability of rearrest for prisoners. Medium risk offenders were almost 5% more likely to recidivate than low risk offenders while high risk offenders were almost 5% more likely to recidivate than medium risk offenders. Generally speaking, the higher an offender's risk, the greater the likelihood of rearrest.

When controlling for all other factors, current offense information was not found to have a significant impact on the probability of rearrest for prisoners. The majority of criminal history factors, on the other hand, were found to impact the probability of rearrest for prisoners. The number of prior arrests, having a prior drug arrest, the number of probation/parole revocations, and the number of prison infractions were all associated with an increased probability of rearrest. Prisoners with a prior drug arrest were 6.5% more likely to be rearrested than offenders who did not have a prior drug arrest. As found in the analysis for all offenders, the number of prior incarcerations was associated with a decreased probability of rearrest.

Model 2 also considered the type of supervision in the community. Relative to SSA prison releases, FSA prison releases were 3.2% less likely to be rearrested. As found in the analysis for all offenders, a negative relationship was found between time at risk and rearrest. As time at risk increased, the chance of being rearrested decreased.

Model 3: Probability of Rearrest for Probationers

Model 3 in Table 4.1 analyzes the probability of rearrest for the 39,547 probationers in the FY 1998/99 sample. Overall, almost 37% of probationers were rearrested during the four-year follow-up period. Note that only statistically significant findings are discussed in this section and presented in Table 4.1.

Personal characteristics were found to affect the probability of rearrest for probationers.

Being black, male, having a history of substance abuse, or having a prior drug and mental health referral were associated with a higher likelihood of being rearrested. Black probationers were about 6% more likely to be rearrested than non-blacks. Male probationers were about 4% more likely to recidivate than females. Probationers who had at least one prior drug and mental health referral were almost 6% more likely to be rearrested than probationers without such a referral. Offender risk level was also a statistically significant factor. Generally speaking, the higher the risk level, the greater the probability of rearrest.

Controlling for all other factors, probationers convicted of a felony were 9.7% less likely to be rearrested than probationers convicted of a misdemeanor. Similar to the previous models, criminal history impacted a probationer's chance of being rearrested, with age at first arrest, the number of prior arrests, having a prior drug arrest, number of times on probation/parole, and the number of probation/parole revocations being associated with an increased likelihood of rearrest. The probability of rearrest for probationers increased by 5.2% with each prior arrest and by 5.5% for having a prior drug arrest. As found for all offenders and prisoners, the probability of rearrest for probationers decreased with each prior incarceration.

Model 3 also looked at the impact of the type of community supervision on the probability of rearrest. As a group, probationers sentenced to an intermediate punishment had a higher rearrest rate during the four-year follow-up period than those sentenced to a community punishment (45% versus 34%), as discussed in Chapter Three. However, once factors other than the type of supervision (*e.g.*, age, sex, criminal history, time at risk) were taken into account, probationers sentenced to an intermediate punishment were actually 6.3% less likely than probationers sentenced to a community punishment to be rearrested. It is not clear from the analysis whether increased supervision or other factors not included in the model resulted in the decreased likelihood of rearrest for probationers sentenced to an intermediate punishment. In previous Sentencing Commission reports, it was hypothesized that revocations to prison for technical violations of probation were a factor not included in the analysis that might help explain this finding. It was thought that revocations, which are more likely with increased supervision, may artificially reduce recidivism since the offender is removed from the community and does not have the opportunity to reoffend. For the first time, the Sentencing Commission is able to partially account for revocations to prison through the measure of time at risk, which is calculated by subtracting periods of incarceration in state prison during follow-up from the maximum follow-up time for analysis. However, even with this methodological improvement, the Sentencing Commission was not able to account for incarceration in county jail during follow-up in its measure of time at risk. While the finding from this study indicates that intermediate punishment probationers are less likely than community punishment probationers to be rearrested even after controlling for time at risk, it is possible that this finding would change if data on incarceration in jail were included in the measure of time at risk.

Model 3 also analyzed the effects of five community-based sanctions on the probability of

rearrest³³: intensive supervision probation, special probation, community service, IMPACT³⁴ and house arrest with electronic monitoring. All sanctions were associated with an increased probability of rearrest, ranging from 2.7% (community service) to 10.1% (intensive supervision probation).³⁵

As found in the analysis for all offenders, a negative relationship was found between time at risk and rearrest. As time at risk increased, the chance of being rearrested decreased.

Regression Analysis: Technical Probation Revocation

Chapter Three of this report presented technical probation/parole revocation rates for the entire FY 1998/99 sample and for groups of offenders classified by their type of supervision in the community. The regression analyses in this chapter isolate the net impact of factors such as type of supervision or personal characteristics on technical probation revocation for probationers,³⁶ and thus help identify relationships not apparent when simply looking at technical probation revocation rates. Table 4.2 presents analyses of the likelihood of technical probation revocation for probationers (Model 4) based on the four-year follow-up period.

Model 4: Probability of Technical Probation Revocation for Probationers

Model 4 in Table 4.2 analyzes the probability of technical probation revocation for the 39,547 probationers in the FY 1998/99 sample. Overall, about 33% of probationers had a technical revocation during the four-year follow-up period. Note that only statistically significant findings are discussed in this section and presented in Table 4.2.

Personal characteristics were found to affect the probability of technical probation revocation for probationers. Being black, male, having a history of substance abuse, or having a prior drug and mental health referral were associated with a higher likelihood of technical revocation. Black probationers were about 10% more likely to be revoked than non-blacks. Male probationers were 7.5% more likely to be revoked than females. Probationers who had a prior drug and mental health referral were 7.6% more likely to be revoked than probationers without such a referral. Offender risk level was also a statistically significant factor. As expected, increases in risk level also increased the probability of technical revocation during the four-year follow-up period. Being married and being

³³ It should be noted that it is possible for an offender to participate in more than one of these programs.

³⁴ Effective November 1, 2001, the female component of IMPACT was abolished. Effective August 15, 2002, the IMPACT Program was eliminated.

³⁵ In some cases, DOC practice involves moving rearrested offenders from their original intermediate sanction to a different, and possibly more controlling, intermediate sanction while awaiting adjudication. This practice might serve as partial explanation for some programs' increased rearrest rates.

³⁶ This analysis is limited to probationers since they are the primary group for which technical revocations are possible.

Table 4.2
Effect of Personal and Criminal Justice Factors on Technical Probation Revocation

Estimated Effect on Probability of Technical Revocation for:

Model 4: All Probation Entries (n=39,547)
Average technical revocation probability=33.4%

Independent Variables

Personal Characteristics

Age (each year)	-0.5%
Black	10.1%
Male	7.5%
Married	-8.7%
Employed	-7.9%
Substance Abuser	6.8%
Prior Drug and Mental Health Referral	7.6%
Risk Level	4.5%

Current Offense Information

Felony	-5.3%
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Criminal History

Age at First Arrest	NS
# Prior Arrests	NS
Prior Drug Arrest	1.6%
# Prior Times on Probation/Parole	1.3%
# Prior Probation/Parole Revocations	8.1%
# Prior Incarcerations	1.4%

Type of Community Supervision

SSA Probation with Community Punishments	<i>reference category</i>
SSA Probation with Intermediate Punishments	4.8%

Correctional Programs

Intensive Supervision Probation	14.7%
Special Probation	NS
Community Service	NS
IMPACT	12.4%
House Arrest with Electronic Monitoring	NS

NS indicates that the effect is not statistically significant at $p > .05$.

Notes

1. For purposes of this study, technical probation revocation is defined as one or more technical revocation during the four-year follow-up period starting at the time the probationer was placed on probation.
2. The figures in the table show the effect on the probability of technical probation revocation compared with the mean probability in the data set.
3. The square of the offender's age was included in the model as a control variable.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

employed were associated with a decreased likelihood of technical probation revocation.

Controlling for all other factors, probationers convicted of a felony were 5.3% less likely to be revoked than probationers convicted of a misdemeanor. The majority of criminal history factors also impacted a probationer's chance of being revoked, with the number of prior probation/parole revocations having the greatest impact. The probability of technical revocation increased by 8% for each prior probation/parole revocation.

Model 4 also looked at the impact of the type of community supervision on the probability of technical revocation. Probationers sentenced to an intermediate punishment were 4.8% more likely to have a technical revocation than those sentenced to a community punishment. One factor not included in the model that may account for the increased likelihood of revocation for intermediate punishment probationers is their increased supervision.

Finally, Model 4 analyzed the effects of five community-based sanctions on the probability of technical revocation³⁷: intensive supervision probation, special probation, community service, IMPACT and house arrest with electronic monitoring. Intensive supervision probation and assignment to IMPACT were associated with an increased probability of technical revocation.

Regression Analysis: Recidivist Incarceration

Chapter Three of this report presented recidivist incarceration rates for the entire FY 1998/99 sample and for groups of offenders classified by their type of supervision in the community. The regression analyses in this chapter isolate the net impact of factors such as type of supervision or personal characteristics on (re)incarceration, and thus help identify relationships not apparent when simply looking at (re)incarceration rates. Table 4.3 presents analyses of the likelihood of recidivist incarceration for all offenders (Model 5) based on the four-year follow-up period.

Model 5: Probability of Recidivist Incarceration for All Offenders

Model 5 in Table 4.3 presents the estimated effects of each independent variable on an offender's probability of being (re)incarcerated during the four-year follow-up period. All offenders in the FY 1998/99 sample were included in this analysis. It should be noted again that only statistically significant findings are discussed in this section and presented in Table 4.3.

Overall, the analysis revealed that about 32% of all offenders had a recidivist incarceration during the four-year follow-up period. Personal characteristics that impacted an offender's chance of being (re)incarcerated included sex, race, being a substance abuser, and having a prior drug and mental health referral. Male offenders were 11.8% more likely to be (re)incarcerated than females. Black offenders were 4.6% more likely to be (re)incarcerated than non-blacks. Offenders with a history of substance abuse were about 4% more likely to be (re)incarcerated than those offenders

³⁷ It should be noted that it is possible for an offender to participate in more than one of these programs.

Table 4.3
Effect of Personal and Criminal Justice Factors on Recidivist Incarceration

Estimated Effect on Probability of (Re)incarceration for:

Model 5: All Offenders (N=58,238)
Average (re)incarceration probability=32.3%

Independent Variables

Personal Characteristics

Age (each year)	-1.5%
Black	4.6%
Male	11.8%
Married	-3.8%
Employed	-1.6%
Substance Abuser	4.0%
Prior Drug and Mental Health Referral	5.8%
Risk Level	6.7%

Current Offense Information

Felony	18.4%
Severity of Sentence	1.6%
Maximum Sentence Imposed (in months)	<i>NS</i>
Time Spent in Prison (in months)	-0.6%

Criminal History

Age at First Arrest	0.3%
# Prior Arrests	1.2%
Prior Drug Arrest	-1.3%
# Prior Times on Probation/Parole	2.8%
# Prior Probation/Parole Revocations	<i>NS</i>
# Prior Incarcerations	4.1%

NS indicates that the effect is not statistically significant at $p > .05$.

Notes

1. For purposes of this study, recidivist incarceration is defined as one or more period of incarceration in NC's state prison system during the four-year follow-up period starting at the time the offender was placed on probation or released from prison.
2. The figures in the table show the effect on the probability of (re)incarceration compared with the mean probability in the data set.
3. The square of the offender's age and time served in prison were also included in the model as control variables.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

with no such history. Offenders with a prior drug and mental health referral were 5.8% more likely to be (re)incarcerated than those offenders with no such referral. The analysis also took into account individual offender risk levels. As expected, increases in risk level also increased the probability of (re)incarceration during the four-year follow-up period. Medium risk offenders were 6.7% more likely to be (re)incarcerated than low risk offenders and high risk offenders were 6.7% more likely to be (re)incarcerated than medium risk offenders. Being married and being employed were associated with decreases in the probability of being (re)incarcerated during the follow-up period.

Controlling for all other factors, offenders convicted of a felony were 18.4% more likely to be (re)incarcerated than those convicted of a misdemeanor. However, this finding might also be affected by the fact that offenders with sentences of 90 days or less (typically those with a misdemeanor conviction) are required to serve their sentences in county jail, which is not included in this measure of recidivist incarcerations. The severity of an offender's sentence also affected the probability of (re)incarceration, but to a much lesser degree. Offenders sentenced to an intermediate punishment were 1.6% more likely to be (re)incarcerated than offenders sentenced to a community punishment. Offenders sentenced to prison were 1.6% more likely to be (re)incarcerated than offenders sentenced to an intermediate punishment. Although the effect was small, time spent in prison also impacted an offender's chance of being (re)incarcerated.

With the exception of having a prior drug arrest and the number of prior probation/parole revocations, all of the criminal history factors included in the analysis increased an offender's chance of being (re)incarcerated. Having a prior drug arrest decreased an offender's probability of being (re)incarcerated by 1.3%.

Summary

Multivariate analysis revealed that personal, offense-based, and criminal history factors were related to the three criminal justice outcomes studied in this chapter: recidivist arrest, technical probation revocation, and recidivist incarceration in the four years following release to the community. Common themes that emerged from the analyses include the following:

- ▶ In all three models on rearrest, being black, having a prior drug and mental health referral, having a greater number of prior arrests, having a prior drug arrest, having a greater number of probation/parole revocations or having a higher risk score all increased the probability of rearrest. In other words, pre-existing factors seem to play an important role in determining future criminal behavior.
- ▶ With regard to technical probation revocation for probationers, being black, being male, being a substance abuser, or having a prior drug and mental health referral were the characteristics most associated with increases in the probability of technical revocation. Being married, being employed, or having a current felony offense were found to be associated with decreases in the probability of technical revocation.
- ▶ With regard to recidivist incarceration for all offenders, being male and having a current

felony offense were the characteristics most associated with increases in the probability of (re)incarceration. Being married, being employed, or having a prior drug arrest were found to be associated with decreases in the probability of (re)incarceration.

While Chapter Four examined the effect of personal characteristics, current offense, prior criminal history, and program participation as predictors of *whether* an offender will recidivate, future research should examine how these same factors affect *when* an offender will recidivate. Survival analysis is the technique that should be employed to examine the timing of recidivism. Knowledge of factors that predict when offenders with certain characteristics tend to recidivate would provide practical information to programs for developing additional treatment or supervision protocols that could further delay, or even prevent, recidivism.

CHAPTER FIVE

THE PROBATION VIOLATION PROCESS

Introduction

The Structured Sentencing laws, which went into effect in 1994, included an emphasis on incarcerating the most serious offenders and expanding community corrections sanctions to address the needs of the group of offenders who remain in the community. As a result, prison resources are reserved for the most serious and chronic offenders. Those less serious and less chronic offenders are allowed to remain in the community as long as they abide by specific conditions, which are set by the court. Probation, which provides a low-cost alternative to incarceration, is the supervision tool used to monitor and control those offenders in order to ensure that they are in compliance with their probationary conditions while they remain in the community.

A violation of the conditions of probation is known as a technical violation, which could lead to the offender being returned to court. The decision of whether to return an offender to court is one which is made by the offender's probation officer, usually in consultation with his/her supervisor. In many instances, a probation officer relies on his/her judgment and experience in making such decisions. Joan Petersilia (1998), a noted criminologist, found that probation officers "operate with a great deal of discretionary authority and dramatically affect most subsequent justice processing decisions." Other studies have also reported that the probation officer's use of discretion in cases is a common and accepted practice (Clear et al., 1992; MacKenzie et al., 1999). MacKenzie et al. (1999) found in their study of several probation offices in Virginia that the use of discretion by a probation officer was related to "the idea that individual circumstances are important in determining the most appropriate sanction." If a probation officer determines that an offender should be returned to court on a technical violation, the judge has the option of either modifying or revoking the offender's probation. Revocation of probation results in offenders having their suspended sentences activated by a judge and being incarcerated.

In prior reports, the Sentencing Commission did not account for periods of incarceration offenders spent in prison, and therefore were not "at risk" to reoffend, during the follow-up period. The primary reasons for an offender's incarceration during the follow-up period are: conviction for a new crime which results in an active sentence, or revocation of their probation for technical violations. As reported in the December 2003 Sentencing Commission Population Projections, technical revocations accounted for 42% of felony prison admissions and 49% of misdemeanor prison admissions. It is in this context that technical revocations were added to the list of criminal justice measures included in the Commission's study of recidivism, and the decision was made to explore Division of Community Corrections' (DCC) policies and field practices in processing

probation violations and revocations.³⁸ As shown in Chapter Three, the technical revocation rate for the 58,238 offenders in the FY 1998/99 sample was 22% after two years and 31% after four years.

To have a better understanding of the probation violation process, Sentencing Commission staff visited a variety of sites statewide to conduct interviews with DCC field personnel within the Department of Correction (DOC) who are charged with enforcing probation laws and policies. These sites, which were chosen by DCC, represented different geographic locales and judicial districts within the state, both urban and rural. Sentencing Commission staff developed a field protocol that was used during interviews with a variety of DCC staff including two levels of probation/parole officers (PPO Is and PPO IIs), Chief Probation Parole Officers (CPPOs) and an Assistant Judicial District Manager. A copy of the field protocol is included (*see* Appendix C). At each location, at least two Sentencing Commission staff members conducted the interviews and recorded the information. In addition, a Quality Assurance staff person from DCC observed the majority of the interviews. A total of 23 staff members were interviewed concerning their practices with regard to the technical violation and revocation process. Questions were slightly modified depending on the role of the interviewee in the system. The description of the probation violation process which follows reflects the practices that were in effect during the majority of this study, unless otherwise noted.³⁹

Division of Community Corrections Administration

The DCC is responsible for the supervision of offenders placed on probation, parole or post-release supervision. It is one of three divisions within DOC, which ultimately report to the office of the Secretary of DOC. The division's central office is located in Raleigh and houses the director of the division and his immediate staff. Central office staff develop and review policies and new initiatives for the division. There are 43 judicial districts in the state which are grouped into four divisions. Each of these divisions is managed by a Judicial Division Chief. A total of 273 field offices are maintained statewide, with over 2,000 certified officers employed by the division. DCC has some specialized officers who supervise offenders who have been convicted of specific offenses, including domestic violence, substance abuse, and sex offenses.

The budget for DCC is part of the overall budget for the DOC. During FY 2002/03, the DOC had a budget of over \$900 million. Within this amount, the DCC had an operating budget of \$126 million dollars. The cost of supervising offenders in the community varies based on the type of supervision. For example, the base cost of supervision for an offender on regular probation supervision for FY 2002/03 was \$1.75 per day, plus the costs of any additional sanctions (*e.g.*,

³⁸ Funding for studying the technical revocation process was through Governor's Crime Commission Grant Number 110-1-01-001-L-891 entitled "Recidivism and Structured Sentencing - The Case for Measuring Revocations."

³⁹ The DCC's probation violation policy was changed in 2002. The interviews were conducted based on the probation violation policy that was in effect prior to this change in order to coincide with the statistical analysis of the sample of offenders who were either placed on probation or released from prison in FY 1998/99.

electronic monitoring).⁴⁰

Probation Violation Process - Policy

Since September 1999, DCC field personnel have operated under a case management plan to supervise the different types of offenders on probation. Under the plan, probation/parole officers are categorized as PPO I (community), PPO II (intermediate), and PPO III (intensive). Offenders who are placed on intensive or intermediate supervision have a more extensive criminal history and/or have been convicted of more serious offenses. Those officers with more experience and specialized training supervise intermediate offenders as well as community probationers who have been “stepped up” to intermediate probation as a result of technical probation violations. Caseload goals for probation officers are statutorily recommended, with caseloads for officers supervising community offenders set at no more than 90 offenders per officer and no more than 60 offenders per officer for intermediate offenders. All PPOs are supervised by a CPPO. The CPPO assists officers in making major decisions regarding their caseloads. The CPPO does not normally maintain a caseload, but may carry a caseload in certain circumstances (*e.g.*, staff shortages). The Judicial District Managers (JDM) supervise the CPPOs and oversee the operation of the probation offices in their districts. The JDM reports directly to the Assistant Judicial Division Chief, who, in turn, reports to the Judicial Division Chief.

General Statutes recommend terms of probation from six to thirty-six months, depending on the type of offense committed and the type of punishment imposed.⁴¹ The court determines the conditions that the offender must abide by while on probation. The regular conditions of probation apply to each offender unless the judge specifically exempts the offender. These conditions include committing no criminal offenses, remaining within the jurisdiction of the court, reporting to an assigned probation officer, paying a supervision fee, and remaining gainfully employed or attending school. The court must impose at least one special condition for intermediate probationers in addition to the regular conditions. These special conditions include: special probation (split sentence), assignment to a day reporting center, residing at a treatment facility, being placed on intensive supervision and/or being placed on house arrest with electronic monitoring.

It is the role of the officer to monitor the offender during the probation period to ensure that the offender complies with the conditions of probation. The DCC has designed policies and procedures for the violation process for offenders under their supervision. Under the DCC’s probation violation policy, a violation is defined as “any action by the offender that is contrary to the conditions of supervision established by the Court.” Violations may be criminal, involving the commission of a new offense, or technical, involving a failure to meet one or more specific conditions of the probation judgment. As noted above, this study focuses only on technical

⁴⁰ As a comparison, for FY 2002/03, prison incarceration costs ranged from \$46.23 per offender per day for minimum custody to \$74.56 per offender per day for close custody.

⁴¹ The length of probation cannot exceed five years.

violations of probation which result in an offender's probation being revoked by the court and the offender being incarcerated in a state prison.

According to DCC policy, there are two types of violations, emergency and non-emergency. Emergency violations involve behavior which necessitates the immediate arrest of an offender to ensure public safety, while non-emergency violations do not require an offender to be immediately arrested. When an offender violates the conditions of probation, DCC policy states that the officer's response is based on the officer's perception of the level of risk posed by the offender's noncompliant behavior as well as the offender's current level of supervision. In responding to a non-emergency violation, the officer has the following options: raising the supervision level of the offender, using additional supervision tools, using delegated authority,⁴² returning the offender to court, and arresting the offender and initiating bond procedures.

DCC policy categorizes non-emergency violations into "A" and "B" violations. The list of "A" violations includes: absconding, being in financial arrearage of greater than 6 months in victim restitution cases, verbally refusing to participate in substance abuse screening, having contact with the victim, having sex offender violations of specific conditions directly related to the crime, and having pending technical violations at the expiration of the term of probation. "B" violations, which constitute the majority of technical violations, include the following: failing to comply with treatment, being unavailable for supervision, violating curfew, and having a positive substance abuse screening. If one or more of the "A" violations has occurred, or a series of "B" violations have become habitual, the officer is instructed by policy to consult with the CPPO to determine if the violation(s) will be reported in an informal or formal manner. An informal reporting of the violation indicates that the violation will be dealt with in an administrative manner without a formal court hearing (*e.g.*, delegation of authority). If the reporting of the violation is to be formal, the CPPO and probation officer make the decision to return the offender to court and can either choose to recommend to the judge that the offender's probation be continued with modifications to the conditions, that the offender be found in contempt of court, or that the offender's probation be revoked. In returning offenders to court on a violation, officers understand that they may be asked by the judge during the hearing to recount facts involving the offender's original sentence and conditions imposed as a result of the sentence, violations to those conditions, and recommendations. If the judge revokes an offender's probation, his/her suspended sentence is activated and the offender is imprisoned either in a state prison or local jail, depending on the sentence length.

⁴² DCC has the delegated authority, unless the court specifically finds that delegation is not appropriate, to impose certain requirements on an offender in the event that he/she has failed to comply with one or more conditions of probation imposed by the court. An offender may be required to perform up to 50 hours of community service, report to their probation officer on a more frequent basis, submit to substance abuse assessment, monitoring or treatment, and/or participate in an educational or vocational skills development program. It should be noted that, since this action occurs without a formal court hearing, a judge must sign off on these conditions and an offender must agree to them for the conditions to be legally binding.

Field Practices and the Probation Violation Process

As previously stated, DCC field personnel in selected probation offices across the state were interviewed by Sentencing Commission staff, usually in the presence of a Quality Assurance staff member from DCC. Overall, the staff who provided information had a number of years of experience, with the majority having worked in at least two different positions within DCC. Each of the DCC staff was asked a series of questions regarding their criminal justice work history, their decision-making process in determining whether or not to return offenders to court on violations of their probation, and the involvement of other criminal justice professionals in this process. This section summarizes the responses of the probation staff who were interviewed.

The DCC policy regarding the processing of probation violations appeared to have a certain amount of discretion built into it. Many of the probation staff indicated that they frequently exercised discretion with regard to how they responded to probation violations. When technical violations began to occur, officers stated that they usually brought the violations and consequences of those violations to the offender's attention and informed the offender what he/she needed to do to get back on track. Officers reported that, in addition to verbally warning offenders, they increased contacts, made treatment referrals, and altered the offender's repayment schedule as ways of preventing future probation violations and as alternatives to returning the offender to court for a violation hearing. Factors that most of the officers considered in their decision to return a probationer to court included: seriousness of the original offense, threat to public safety, severity and/or frequency of violation(s), family dynamics, employment/educational status, and the degree to which community resources had been utilized.

In handling probation violations, officers' responses varied about the importance of whether a probationer was a community (lower level) or intermediate (higher level) offender. Some of the officers indicated that there was no difference in the way that the probation violations of these two groups were handled, while others noted that intermediate offenders who were violating their probation were more likely to be returned to court because of their criminal history and seriousness of offense. Several officers had a different perspective on these two groups in choosing to process community probation violators at a slower pace than intermediate probation violators.

In addition to discretion, the work style of probation officers often seemed to affect the outcome of their cases (*i.e.*, whether an offender was returned to court for violating probation conditions). Some officers worked longer with probationers who were violating their conditions and viewed returning an offender to court as the last resort, utilizing the violation hearing only after employing all viable community resources. These resources included: warning offenders, referring offenders to substance abuse or mental health treatment, and increasing contact with offenders. Other officers indicated that they were less tolerant of offenders who engaged in certain behaviors, and were more likely to cite them to court on a violation. The majority of the officers reported that they allowed an offender to accumulate several technical violations prior to seeking revocation of the offender's probation. According to the officers, judges would rarely revoke an offender's probation for a single technical violation so officers waited until the offender accumulated several violations before taking them back to court for a violation hearing. Officers noted differences in

their intent when probationers were cited to court on technical violations, with a portion of those interviewed stating that their recommendation to the court was always for revocation of probation. Others reported that their reason for pursuing a probation violation hearing involved modifying an offender's conditions of probation.

Dynamics within a probation officer's district appeared to affect the probation violation process. Most of those who were interviewed indicated that, within their offices, certain technical violations were given higher priority, such as: positive drug screens and contact with a victim. High caseloads in an office sometimes drove decisions regarding probation violations, with officers having less time to work with offenders and acting more quickly to return cases to court. CPPOs, for the most part, seemed to be involved early in the probation violation process. Several officers indicated a more limited involvement by the CPPO, possibly varying by the PPO's level of experience and need for supervision input.

Even though delegation of authority was listed in DCC policy as an option for responding to probation violations, most officers reported that it was rarely used. A number of officers reported that the use of delegation of authority was not encouraged within their office and, consequently, officers were not familiar with its process. Other officers noted that delegation of authority was not utilized because many judges did not support it and preferred for such cases to be formally brought back for a court hearing in order to add sanctions. According to officers, pursuing a show cause hearing for a finding of contempt of court was another response to probation violations which was rarely utilized. Officers reported that, since judges were generally not in favor of the use of contempt of court, it was not viewed as a viable option.

When an offender was returned to court for a violation hearing, officers indicated that the discretion of judges in their respective districts was another dynamic which affected the probation violation process. When offenders were returned to court on a violation of probation, the majority of the officers reported that it was primarily because of an offender engaging in at least one of the following behaviors: committing a new criminal offense, absconding, having positive drug screens, failing to pay money owed, and not complying with treatment. For the most part, officers noted that, although they were available in court to provide information to the judge, they were seldom asked for their input.

Additionally, officers reported a wide variation among judges when asked how many violation hearings resulted in revocation and the offender's sentence being activated. This variation seemed to be based on judicial discretion within and between the various districts as to what methods to use when dealing with offenders who were noncompliant. Some officers stated that there were judges in their district who were known to revoke an offender's probation the first time that he/she was returned to court on a technical violation. In some districts, a violation of certain conditions, such as dirty drug screens, would usually result in the judge revoking probation. Other judges regarded probation as a "chance" that the offender had been given in order to remain in the community, and that violation of probation warranted its revocation and an activation of his/her sentence. Conversely, officers noted that there were judges who would not revoke an offender's probation until he/she had been returned to court two or three times. Officers reported that when the

judges did not activate the offender's sentence they utilized other alternatives, such as ordering intensive supervision, house arrest with electronic monitoring, special probation, and community service.

Technical Revocations for FY 1998/99 Probation Entries

As discussed in Chapter Two, of the 58,238 offenders in the FY 1998/99 sample, 39,547 (70%) were probationers consisting of 29,054 offenders who received a community punishment and 10,493 offenders who received an intermediate punishment. These two probation groups were very similar demographically (*see* Table 2.1, Chapter Two).

Twenty-six percent of probationers had a technical revocation during the two-year follow-up period and 33.4% had a technical revocation during the four-year follow-up period. Probationers with an intermediate punishment had the highest technical revocation rates during the two- and four-year follow-up periods, with 34.2% having a technical revocation in the two-year follow-up and 42.9% having a technical revocation within the four-year follow-up. Twenty-three percent of probationers with a community punishment had a technical revocation within the two-year follow-up period and 29.9% had a technical revocation in the four-year follow-up period.

Table 5.1 provides technical revocation rates and average months to first technical revocation controlling for certain characteristics of probationers. Technical revocation rates varied among probationers during the four-year follow-up period even after controlling for various offender characteristics. For example, probationers with a current felony conviction were more likely to have a technical revocation compared to probationers with a current misdemeanor conviction. Community probationers were more likely to have a technical revocation if they had a current misdemeanor conviction, while technical revocation rates did not differ substantially for intermediate probationers based on their most serious current conviction.

Technical revocation rates varied considerably by risk level for all probationers, with low risk probationers much less likely to have a technical revocation than high risk probationers. When comparing probationers within the same risk level, technical revocation rates were consistently higher for intermediate probationers than for community probationers.

Employment in the year following an offender's placement on probation also had an affect on technical revocation rates. Overall, employed probationers had a lower technical revocation rate than unemployed probationers (31.7% versus 36.8%, respectively). This was the case with both community and intermediate probationers.

In addition, Table 5.1 shows that probationers who ever had at least one drug and mental health referral were more likely to have a technical revocation than those who did not (40.4% versus 29.3%, respectively). This was true for both community and intermediate probationers, although the difference was less pronounced for intermediate probationers.

For probationers who had a technical revocation during the four-year follow-up period, their

Table 5.1
Technical Revocation Rates by Offender Characteristics
During the Four-Year Follow-Up Period
FY 1998/99 Probation Entries

Offender Characteristics	Technical Revocation Rates and Average Months to First Technical Revocation		
	Community Probationers	Intermediate Probationers	All Probationers
Current Felony Conviction	27.7%	43.2%	36.5%
	19.6	15.7	17.0
Current Misdemeanor Conviction	30.4%	42.3%	31.8%
	15.7	13.3	15.4
Low Risk	18.5%	26.8%	20.2%
	16.9	15.4	16.5
Medium Risk	33.0%	42.6%	35.5%
	16.7	15.5	16.4
High Risk	52.4%	57.5%	54.5%
	15.6	14.6	15.2
Employed	28.5%	41.2%	31.7%
	17.1	15.9	16.7
Unemployed	32.9%	46.0%	36.8%
	15.2	13.8	14.7
No Drug and Mental Health Referral	26.3%	39.5%	29.3%
	16.3	15.1	15.9
One or More Drug and Mental Health Referrals	37.1%	47.1%	40.4%
	16.7	15.1	16.1
Total	29.9%	42.9%	33.4%
	16.4	15.1	16.0

SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

first technical revocation occurred an average of 16 months after entry to probation (with an average of 16.4 for community punishment probationers and 15.1 for intermediate punishment probationers).

As with technical revocation rates, the time to first technical revocation varied when looking at certain characteristics of probationers (*see* Table 5.1). For example, there was a noticeable difference in average time to first technical revocation between probationers with a current felony conviction and those with a current misdemeanor conviction. Probationers with a current felony conviction averaged a slightly longer time to first technical revocation than probationers with a current misdemeanor conviction. This same pattern was evident for both community and intermediate probationers.

Regarding time to first technical revocation by risk level, there was not much difference between low and medium risk probationers (16.5 months and 16.4 months, respectively), but high risk probationers averaged a shorter time to first technical revocation (15.2 months). This was also the case when looking at community and intermediate probationers.

Table 5.1 also shows that the time to first technical revocation differed for probationers based on employment in the year following their placement on probation. Employed probationers averaged a slightly longer time to first technical revocation than unemployed probationers. This was true for both community and intermediate probationers.

Finally, there was little variation in time to first technical revocation by drug and mental health referral.

Recent Reforms

In 2001, the director of DCC established a Revocation Task Force comprised of selected staff from DCC and the DOC's Office of Research and Planning. The primary reason for creating the Task Force was the fact that nearly 50% of new admissions to prison were the result of probation revocations. The mission of the Task Force was "to evaluate current probation/parole/post-release supervision revocation policies, practices, and outcomes and determine if changes are needed to better utilize the full continuum of sanctions necessary to protect society while addressing the needs of offenders." Through their study of the issues, the Task Force found that the "continuum of sanctions could be more fully utilized when violations occur, prior to revoking the offender." The work of the Task Force culminated in recommending administrative changes to DCC's revocation policies. On March 1, 2002, DCC instituted a new probation violation policy, which included many of these recommendations. The new policy was fully implemented statewide in 2003.

While protection of the community remains the primary consideration under the new policy as it was under the old policy, revocation is seen as a less effective way of achieving this goal. In the same way that sentencing policies nationwide are becoming more structured and certain, policies related to the probation violation process are undergoing similar changes. The National Institute of Corrections' "Responding to Parole and Probation Violations" (2001) endorsed the responses of the

probation violation process moving toward ones which are timely, consistent and determinant. A study by MacKenzie et al. (1999) had a similar recommendation noting the importance of immediate and certain responses by probation officers. The changes to North Carolina's probation violation process follow this national trend. Contrary to the old violation policy, this new policy contains a "violation philosophy," which spells out the goal of community supervision, the purpose of the policy, and the basic expectations of the policy regarding probation violations. The strategy concerning probation violations includes "holding offenders accountable for their actions, monitoring and controlling offender behavior and referring to rehabilitation programs specific to offender needs." Officers are expected to provide the least restrictive response to every detected violation in a manner that is proportional to the risk to the community and the severity of the violation. According to the policy, responses to violations should remain consistent with similar violations and risk factors. Offenders who continue to violate probation, who are unwilling to abide by the conditions, and/or "pose undue risk to the community" are subject to probation revocation.

The policy establishes guidelines for responding to violations to "insure a swift and certain response to every violation and to utilize the full continuum of sanctions prior to revocation." These guidelines apply to all technical violations except substance abuse screening violations.⁴³ Violation responses are grouped into a continuum of four levels of increasingly restrictive sanctions which increase in the seriousness of the consequence imposed on the offender. Under the policy, officers must have utilized each response level before moving on to the next level. When an officer learns of an offender's first violation, that officer will respond with Level I sanctions which include either a verbal or written warning to the offender and may require the offender to report to the officer more frequently. Subsequent violations by the offender may be addressed with the utilization of sanctions from Level II, such as the officer staffing the case with the CPPO and/or the use of delegated authority. If the offender continues to have technical violations, the officer then moves to Level III responses, which involve a recommendation that the court impose an intermediate punishment, extend/modify probation, or hold the offender in contempt of court. A recommendation for revocation is the final response available.

Prior to the institution of the new policy, probation officers had greater discretion in how they responded to technical probation violations. Previously, some officers were more rigid than others in responding to probation violations, with several officers indicating that when they took an offender back to court for a violation hearing, they would request revocation as opposed to other available alternatives. In addition, there were fewer community-based alternatives available in some districts (especially rural areas) to use when responding to violations. The variations among the officers' practices was one of the factors which led to the need for a more consistent violation process. As a result, the new policy articulates a more structured and detailed process for handling probation violations than the old policy. The new guidelines provide a series of progressive steps for all probation officers to follow upon an offender violating the conditions of probation. The policy emphasizes the importance of utilizing all possible resources prior to revoking probation in

⁴³ Depending on the circumstances of the violation relating to substance abuse screening, an offender could be referred to the Treatment Accountability for Safer Communities (TASC) program, have their conditions of probation modified, and/or be subject to a violation hearing.

cases where a response short of revocation is appropriate. A well-defined, consistent violation process is important for all levels of probation in order to ensure that offenders in the community are adequately supervised and matched with appropriate resources. Although it remains too early to tell if the changes in the probation violation policy will affect revocation rates, the changes have provided a level of consistency and structure to the technical probation revocation process that can be followed by probation officers throughout the state.

CHAPTER SIX

PROGRAM PROFILE:

DRUG ALCOHOL RECOVERY TREATMENT (DART) CHERRY

Introduction

The ability to control for specific factors, including risk of rearrest, combined with the wealth of information that has been collected during the course of this study has afforded an excellent opportunity for analyses of offenders who were assigned to various correctional programs. For the current study, the Sentencing Commission selected the 90-day component of the Drug Alcohol Recovery Treatment (DART) Cherry Program for a more in-depth analysis. DART Cherry, which only serves male offenders, is the only residential chemical dependency treatment facility operated by the North Carolina Department of Correction (DOC). From December 2002 to January 2004, Sentencing Commission staff made a number of visits to the DART Cherry facility to observe treatment and classroom sessions, gather written information and automated data,⁴⁴ and interview DART Cherry staff. Using a standardized protocol (*see* Appendix D), Commission staff interviewed the facility's manager, program director, various members of the treatment staff, probation staff, and offenders assigned to the facility. In addition, staff met with the Assistant Secretary of the DOC's Division of Alcohol and Chemical Dependency Programs (DACDP), the clinical director for the DACDP's treatment programs, and Department of Health and Human Services' Division of Mental Health, Developmental Disabilities, and Substance Abuse Services staff. Commission staff also reviewed annual reports, articles and other literature relative to DART Cherry as well as literature on selected chemical dependency treatment approaches.

Numerous studies nationwide point to the relationship between drug abuse and crime. Chemical dependency is often the underlying motive for drug and property offenses. In their study of various interventions with offenders who were using drugs, Anglin and Maugh (1992: 67) found that "empirical data suggest that drug use is both a direct and indirect cause of crime at all levels, including violent, property, and financial crimes." In fact, many offenders are under the influence of drugs or alcohol at the time that they commit their offenses. A 1995 study conducted by the Bureau of Justice Statistics (BJS) reported that 47% of probationers⁴⁵ were under the influence of alcohol or drugs at the time of their offense. Compounding the offender's substance abuse problem is the fact that many of them have a dual diagnosis, which denotes the co-occurrence of mental and substance abuse-related disorders in an individual. Consequently, a significant number of offenders who have substance abuse issues are concurrently experiencing mental health problems, such as depression, anxiety, or psychiatric disorders. In a 1997 conference report on improving services for individuals with a dual diagnosis, the Substance Abuse and Mental Health Services Administration

⁴⁴ Data on the DART Cherry program maintained in OPUS for the FY 1998/99 sample were incomplete and, therefore, were supplemented by information from the DART Cherry program.

⁴⁵ The sample of offenders used in this study included state, county and municipal probationers and probationers who had been sentenced for driving while impaired.

(SAMHSA) reported that the existence of both disorders in a person “may cause declining social and functional status, which may lead or contribute to criminal behavior.”

Since drug involvement is a prevalent factor which often leads to criminal activity, mental health issues and dysfunctional lifestyles among offenders, the Sentencing Commission concluded that an evaluation of the 90-day program at DART Cherry could result in important findings on this particular group of offenders who were receiving community-based chemical dependency treatment.⁴⁶

Historical Overview of DART Cherry

In June 1989, DOC implemented the DART Cherry program in Goldsboro as a 28-day residential substance abuse treatment program based on the Minnesota Model. The program, which was housed in a vacant building on the grounds of Cherry Hospital (a state-operated hospital), was originally designed to treat male Driving While Impaired (DWI) offenders who were referred from the prison population by the Parole Commission. The 28-day program still exists today in this form and has a capacity of 100 beds, the majority of which are filled by DWI offenders who have been paroled from prison. Since the FY 1998/99 sample excludes DWI offenders, the 28-day program is not part of the Commission’s analysis.

In September 1997, a different treatment approach was added to DART Cherry. This component, which is housed in a vacant building in close proximity to the location of the 28-day program, provides 90-day residential substance abuse treatment to male probationers. With the implementation of the Structured Sentencing laws in 1994, the focus moved to incarcerating the most serious offenders and expanding community corrections sanctions to address the needs of those offenders remaining in the community for supervision. The 90-day program is designed to serve offenders who are placed on probation in lieu of being incarcerated and was fashioned after the therapeutic community model which was being used in other states. Originally, the 90-day program had a capacity for 100 offenders and was open only to probationers. In September 1998, the program began to accept parolees and a third vacant building in the same complex was utilized to add another 100 beds to the 90-day program.

Program Overview

DART Cherry is currently the only community-based residential drug treatment program operated by the DOC. It is designed to be a residential chemical dependency treatment program that serves 200 selected male probationers and parolees. The DOC does not offer similar residential chemical dependency treatment for female probationers and parolees. As described previously, the program’s treatment modality is based on a modified therapeutic community model with elements from the Minnesota Model. The majority of the admissions are probationers, with approximately 5% to 10% of admissions composed of parolees. DART Cherry is considered an intermediate

⁴⁶ Female offenders were not a part of this analysis since DART Cherry only admits male offenders.

sanction. Probationers can only enter the program by a judge's order as the result of a conviction for a new offense or as a violation of probation which causes the offender to be eligible for an intermediate sanction. Prison inmates who enter the program are granted parole by the Post-Release Supervision and Parole Commission prior to beginning the program, if they agree to participate. DART Cherry is not a custodial facility; consequently, offenders can leave the building and grounds if they choose. However, individuals who leave the program without authorization are treated as absconders. Once an offender leaves the program, he is not allowed to return. In addition to treatment staff, there are three Probation/Parole Officers and one Chief Probation/Parole Officer who are employees of the Division of Community Corrections (DCC) and have offices on DART Cherry's campus. The probation staff work with the treatment teams in each of the units on issues of control and also offer courtesy supervision for offenders while they are in the program and away from their county of residence.

Program Administration

Since DART Cherry is a part of the DOC, the ultimate authority for the program lies with the Secretary of the DOC. DART Cherry is housed under the Department's DACDP, and it is the Assistant Secretary of the DOC who oversees this division and, hence, DART Cherry. The Facility Manager, whose office is on the grounds of DART Cherry, is responsible for all of the daily operations of the 90-day and 28-day programs. The Facility Manager directly supervises the Program Director who, in turn, oversees the treatment program. The Program Director offers clinical supervision to staff and observes and monitors program activities to ensure the correct delivery of the curricula materials. The Program Director also directly supervises the Substance Abuse Program Consultant who assists in the planning and coordination of aftercare services for offenders prior to their discharge from the program.

The treatment staff in the two buildings of the 90-day program nearly mirror each other in number and position. The Substance Abuse Program Supervisor (SAPS) is directly supervised by the Program Director and is responsible for the following in his respective building: providing direct supervision to the treatment staff, managing program resources, and intervening to address the exceptional needs of offenders and any other critical needs that might occur. The SAPS conducts a team meeting each morning with all treatment staff in his building to discuss medical and behavioral problems of offenders. Immediately subordinate to the SAPS in each building is one Substance Abuse Counselor II (SAC II). Their primary role is to supervise the Substance Abuse Workers (SAW) so that there is adequate coverage throughout each building to address any problems which may arise between offenders. SAC IIs also administer and score the alcohol and drug screening tool (Substance Abuse Subtle Screening Inventory⁴⁷) given to each offender who is admitted into the program, teach the first week of orientation classes and fill in for Substance Abuse Counselor Is (SAC I) who are unable to teach classes or facilitate groups. The SAC I positions are directly supervised by the SAPS and have a great deal of direct contact with offenders in the

⁴⁷ The Substance Abuse Subtle Screening Inventory (SASSI) ascertains the potential presence of a drug or alcohol problem in an individual.

program. At the time of the offender's admission, these counselors are responsible for completing an intake assessment on the offender and assisting the offender in reviewing his treatment plan. A SAC I carries a caseload which usually consists of 20 to 25 offenders with whom he assists in handling complaints and conflicts as well as maintaining the necessary written documentation on each offender. A SAC I facilitates small group sessions and conducts drug education classes, with the exception of the first week of orientation classes, which are conducted by SAC IIs, and cognitive behavior intervention classes, which are conducted by local community college personnel. The SAW positions are described as being the "eyes of the counselor." The SAWs work eight hour shifts and are sometimes the only staff person monitoring offenders in their buildings during weeknights and weekends. The SAC II supervising the SAWs holds staff meetings twice a day, Monday through Friday, so that the majority of SAWs working that day will be aware of any special concerns or problems that have occurred. SAWs are primarily involved in ensuring the operational functions of the facility are maintained, supporting other members of the treatment staff as needed, intervening in crisis situations between offenders, supervising offender movement throughout the facility and transporting offenders to and from their probation offices or medical appointments.

The budget for DART Cherry is part of the overall budget for the DACDP. According to DART Cherry staff, the budget for the 90-day and 28-day programs for FY 2003/04 is \$3,067,000, with the cost per bed per day being \$29.61. Offenders do not pay any fee to be involved in the program. It should be noted that DART Cherry's budget, like many of the other Department of Correction programs, has suffered significant cuts over the past several years. For example, in FY 1996/97, DART Cherry's budget was \$3,638,000. The budget cuts to the DART Cherry program have resulted in losses in staff positions.

Description of the 90-day Program

Mission of 90-day Program

DART Cherry's stated primary mission is to provide an intensive habilitation effort in the field of chemical dependency treatment. According to the National Institute of Drug Abuse (NIDA), habilitation "involves learning for the first time the behavioral skills, attitudes, and values associated with socialized living." A major goal of the program is for the offender to function effectively and drug-free in the community. For an offender to function effectively, he is given the opportunity in the program to achieve the following: personal responsibility for his feelings and behavior, demonstration of his ability to initiate and continue good interpersonal relationships and acquisition of the skills necessary to ensure and maintain productive employment. As a therapeutic community, the program strives to simulate the experience of living out in the community by creating opportunities for its participants to confront emotional and practical problems in a drug-free manner.

Description of Offenders

As noted earlier, the majority of admissions to DART Cherry are probationers who are ordered by a judge to participate in the program as a condition of probation during a sentencing hearing for a criminal offense and/or a violation of probation which requires the offender to be given

an intermediate punishment. During the time frame of this evaluation, it was not mandatory that offenders undergo a substance abuse assessment to determine the appropriate level of treatment prior to entering DART Cherry. Of the 39,547 probationers in the FY 1998/99 sample, 619 were admitted to DART Cherry during the follow-up period. It should be noted that 72% of these probationers were admitted to the DART Cherry program at least six months after their entry to probation. The following categories further describe the offenders in the FY 1998/99 sample who were admitted into the DART Cherry program.

Demographic Characteristics: Consistent with program guidelines, all of the DART Cherry participants were male. Forty-six percent were black, 13.7% were married, and almost half (48.2%) had 12 or more years of education (*see* Table 6.1). The average age of DART Cherry participants was 29.

Substance Abuse History: The most frequent first drug of choice for DART Cherry participants was cocaine (37.7%). Thirty-two percent specified marijuana and 26.1% specified alcohol as their first drug of choice. Sixty-one percent of DART Cherry participants reported more than one drug of choice. The mean age at initial use was 15, and 80.1% of DART Cherry participants indicated they were under the age of 18 at initial use. Nearly half (48.6%) of the participants indicated a previous attempt in a substance abuse program. Almost five percent of participants indicated they had a prior DART Cherry admission, 9.3% indicated a prior admission in the DART Prison program and 40.9% indicated a previous attempt in some other substance abuse program.

Criminal History: Eighty-one percent of offenders in DART Cherry had prior arrests compared to 85.5% for all intermediate probationers. Of the participants with a prior arrest, the average number of arrests was 3.0, slightly lower than that of all intermediate probationers (with 3.5 prior arrests). The majority had prior arrests for property (55.6%) and drug offenses (43.3%).

Most Serious Current Conviction: The majority of DART Cherry participants (59.6%) had a most serious current conviction for a felony offense, compared to 72.0% of all intermediate probationers. Twenty-six percent had current convictions for felony drug offenses, followed by convictions for felony property offenses (24.9%).

*Drug and Mental Health Referrals*⁴⁸: As stated above, a very common problem among many offenders is co-occurring substance and mental disorders. The data from the Department of Health and Human Services' Division of Mental Health, Developmental Disabilities, and Substance Abuse

⁴⁸ The Sentencing Commission obtained information regarding referrals from the Client Services Data Warehouse maintained by the Department of Health and Human Services' Division of Mental Health, Developmental Disabilities, and Substance Abuse Services.

Table 6.1
Descriptive Profile of DART Cherry Participants: FY 1998/99 Probation Entries

<u>Number</u>	<u>Total</u>
	619
<u>Demographic Characteristics</u>	
% Male	100.0
% Black	46.2
Mean Age	29
% Married	13.7
% with 12 or More Years of Education*	48.2
<u>Substance Abuse History*</u>	
First Drug of Choice	
% Alcohol	26.1
% Marijuana	31.6
% Cocaine (Powder/Crack)	37.7
% Other Drug	4.6
Mean Age at 1st Use	15
% With Previous Attempt in Any Substance Abuse Program	48.6
% With Previous Attempts in Dart Cherry	4.5
% With Previous Attempts in Dart Prison	9.3
% With Previous Attempts in Other Substance Abuse Programs	40.9
<u>Criminal History</u>	
% With Any Prior Arrest	80.9
If Prior Arrest, Mean Number Any Prior Arrests	3.0
% With Violent Prior Arrest	21.2
If Prior Arrest, Mean Number Violent Prior Arrests	0.4
% With Property Prior Arrest	55.6
If Prior Arrest, Mean Number Property Prior Arrests	1.7
% With Drug Prior Arrest	43.3
If Prior Arrest, Mean Number Drug Prior Arrests	0.9
% With Other Prior Arrest	20.0
If Prior Arrest, Mean Number Other Prior Arrests	0.4

continued

Table 6.1 (cont.)
Descriptive Profile of DART Cherry Participants: FY 1998/99 Probation Entries

<u>Number</u>	<u>Total</u>
	619
<u>Most Serious Current Conviction</u>	
% Felony	59.6
% Violent	6.8
% Property	24.9
% Drug	26.3
% Other	1.6
% Misdemeanor	40.4
% Violent	13.6
% Property	15.3
% Drug	7.0
% Other	4.5
<u>Drug and Mental Health Referrals*</u>	
% With Any Referrals	68.0
If Any Referral, Mean Number Referrals	1.9
% With Pre-Admission Referrals	57.5
If Pre-Admission Referral, Mean Number Referrals	1.7
% With Post-Discharge Referrals	21.5
If Post-Discharge Referral, Mean Number Referrals	1.2
<u>Risk Level</u>	
% Low Risk	31.7
% Medium Risk	41.8
% High Risk	26.5

* Excludes cases with missing values for these variables.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

Services captures information pertaining to substance abuse and mental health.⁴⁹ Comparing DART Cherry participants with all intermediate probationers, there was a noticeable difference in drug and mental health referrals. Sixty-eight percent of DART Cherry participants had at least one referral, compared to 45.5% of all intermediate probationers. The majority of DART Cherry participants (57.5%) had at least one referral before their admission to DART Cherry. Of those with at least one pre-admission referral, the average number of referrals was 1.7. As expected, due to a shorter follow-up time after discharge from the program, a smaller percentage (21.5%) of DART Cherry participants had a referral after their discharge from DART Cherry, with an average of 1.2 referrals. While it is the policy of the program to refer all exiting offenders to the Treatment Accountability for Safer Communities (TASC) office in their county of residence, offenders may not appear to have referrals for reasons such as failing to show up for the initial appointment with TASC or an exact match on the offender could not be made with the Client Services Data Warehouse database.

Risk Level: Thirty-two percent of DART Cherry participants were low risk, 41.8% were medium risk, and 26.5% were high risk, whereas 30.7% of all intermediate probationers were low risk, 34.5% were medium risk, and 34.8% were high risk.

Processing of Offenders

Once an offender is ordered into the 90-day program, the probation officer contacts the Chief Probation/Parole Officer who is assigned to DART Cherry to schedule the offender's admission into the facility. Since the program is generally at or slightly above its capacity of 200 beds, there is usually a backlog of admissions with delays of approximately two months. Offenders enter DART Cherry from all parts of the state. DART Cherry staff provide transportation for all offenders from their county of residence to the facility in Goldsboro.

Before offenders are transported to DART Cherry, they must have a copy of the order placing them at the facility, a completed medical form and a current criminal record check. Upon their arrival at DART Cherry, new admissions are met by a Probation/Parole Officer (PPO). The PPO explains the purpose of the offender being in the program and reminds them that their probation will be supervised by one of the three probation officers assigned to DART Cherry while they are in treatment. Substance Abuse Workers (SAW) from the DART Cherry staff are also present to obtain general information from each offender, inventory the offender's personal items and distribute program handbooks. The SAW gives each offender a preprinted nametag and advises each offender that he must wear the nametag at all times. In addition to the offender's name, the nametag has the offender's therapeutic community designation, counselor to whom he is assigned and the room number to which he is assigned. There are generally 10 offenders assigned to one room. SAWs accompany offenders to their respective dorm rooms and assist in getting them settled. Once offenders are housed in the facility, they learn that they are part of a "family" within the building in which they reside. Each building has three families, with each family having approximately 33

⁴⁹ The information on drug and mental health services only pertains to referrals and indicates that an offender attended at least an initial appointment for mental health problems, developmental disability, or substance abuse. Diagnostic information and treatment participation were not available and are therefore not presented.

offenders. Each family is close-ended, which means that all offenders in a family enter and complete the program at the same time. A family usually meets daily to discuss various issues and concerns within their small group.

Within 24 hours of an offender being admitted to DART Cherry, a Substance Abuse Counselor I (SAC I) interviews each offender in order to complete an assessment form which provides staff with information on the offender with respect to six life areas: medical, employment/vocational/educational, psychological/mental health, family/social relationships, legal status and drug/alcohol use. On the first Monday following their admission, a Substance Abuse Counselor II (SAC II) administers a written drug screening test known as the SASSI (Substance Abuse Subtle Screening Inventory) to each newly admitted offender. This instrument indicates the need for a drug assessment by measuring various variables of the offender's profile. The SAC II scores the test and provides the SAC I, who will be the primary treatment provider within the classroom setting, with a brief synopsis of the results for each offender.

By the end of the first week in their assigned building, offenders are given a job within the program and are incorporated into the internal hierarchical system within their building which coordinates the non-treatment operations. This hierarchy is called the "structure board," and it is the mechanism by which offenders ensure that their building operates in a smooth manner. All of the positions on the structure board are held by offenders, with the highest position being designated as the Senior Coordinator. The other members of the structure board are offenders who are the heads of various "departments," which coordinate non-treatment operations within each building such as cleaning, group meetings, recreation, and telephone usage. The remainder of the offenders either become assistants to the department heads or are placed on the service crew. The structure board generally meets at least once a week.

Offenders enter the program in various stages of chemical dependency; however, DART Cherry does not accept offenders who are still in the process of detoxification. If an offender appears to be having significant problems that are related to chemical withdrawal, he will receive a medical evaluation during the intake process. The facility contracts with nurses and doctors, and at least one medical professional is available during specified times every day. Under normal circumstances, a medical evaluation is performed on offenders by medical staff within 14 days of their admission. Some clients may be disqualified from treatment for serious medical reasons due to an inability to participate in program activities at a satisfactory level.

Security

DART Cherry is an unlocked facility. The doors are locked at 8:00 each evening to prevent access to the building by outsiders and an alarm on each door is activated. If an offender opens a door leading to the outside after the alarm is activated, the alarm will be set off to alert the treatment staff that someone is tampering with the door. Treatment staff and the probation officers assigned to the program make it clear to offenders that they will be considered an absconder and will be discharged from the program if they leave the grounds of the facility. There are one to two SAWs assigned to each of the two buildings during the evening and weekend hours. The SAWs monitor

the activities within the buildings and alert their supervisor if an offender leaves the grounds. The SAWs carry only a two-way radio and are not authorized to carry a weapon.

Schedule

Offenders begin their day at 5:30 a.m. and end it at 9:15 p.m. The program begins each day with thirty minutes of family meeting time to build positive motivation and to teach structure. Clients then follow a schedule that was established by their primary counselor during orientation. Schedules during the weekday typically include two hour blocks of the following: drug education classes, treatment groups and General Education Development (GED) or Employment Readiness Program (ERP). It should be noted that offenders must attend GED courses offered on site by Wayne Community College instructors if they do not have a high school diploma or equivalent. If the offender has a high school diploma or equivalent, he must engage in the ERP. Prior to budget cuts in the fall of 2002, offenders were transported into the community by staff to attend Alcoholics Anonymous/Narcotics Anonymous (AA/NA) meetings. This was valuable to offenders since it offered them an opportunity to interact with people in the community who have similar chemical dependency issues. Currently, AA/NA meetings are offered on site, and each participant is expected to attend a meeting every day. Before the fall of 2002, each offender was required to complete eight hours of community service during his tenure in the program. However, community service was one of the segments of the program that had to be eliminated when cuts were made to the program's budget in 2002.

During the weekend hours, there are no classes. However, offenders are expected to attend any group meetings, do homework assignments and perform their job assignment. Family and friends are only permitted to visit the facility during a three hour period on Saturday and Sunday afternoons.

While offenders are in the program, probation officers meet with each offender on a weekly basis. The probation staff assigned to DART Cherry are not involved in the treatment aspect of the program except to check on an offender's progress and behavior. During the offender's time in the program, the probation officer addresses any violations or non-compliance issues unless a formal violation hearing is needed. If problems continue with an offender, the probation officer contacts the field probation officer in the offender's county of residence. If problems cannot be resolved or the offender leaves the facility's property, the field probation officer is notified and the offender is discharged from the program and transported back to his county of residence.

Treatment Modalities and Components Relative to the 90-day Program

The framework for the 90-day program is based on elements from two treatment modalities: the therapeutic community and the Minnesota Model. The therapeutic community is a structured, residential treatment setting whereby participants learn more appropriate and effective ways of socially interacting with others as well as develop ways to improve their levels of accountability and self-esteem. Since the majority of therapeutic communities are based on the social-learning theory, all of the activities within the therapeutic community focus on participants learning from their

“community” of peers and staff. This is accomplished through clinical groups, community meetings, individual therapy and vocational and educational activities. In short, the therapeutic community is designed to simulate the larger community to which the individuals will eventually return. The Minnesota Model views chemical dependency as a disease of the mind, body and spirit which should be dealt with through a holistic approach using a team of multi-disciplinary professionals and the Twelve Steps of AA/NA.

The drug education classes of the 90-day program utilize curricula pertaining to two treatment components: cognitive behavior interventions (CBI) and relapse prevention. CBI is based on the tenet that learning new skills and ways of thinking can result in positive changes to one’s behavior, actions and problem-solving techniques. CBI has been endorsed by the DOC in its work with offenders and has been used in the 90-day program since 2001. Relapse prevention therapy, which is a type of cognitive behavior therapy, involves individuals learning to identify their social maladjustments, develop and internalize new strategies for dealing with these problem areas and maintain these strategies to avoid returning to former problematic behavioral patterns.

Treatment Phases

The 90-day program at DART Cherry is divided into three phases: Orientation, Main Treatment, and Re-Entry. At the end of each phase, offenders are given a written test to determine their degree of knowledge before progressing to the next phase. Offenders are in drug education classes for 10 hours each week, with each class composed of offenders who entered the program at the same time. The classroom setting is a traditional one with an instructor (from the treatment team or the local community college) sharing information through lectures, videos, workbooks, written handouts and group interactive exercises. The classroom ratio of teacher to offender was approximately 1:15 during the majority of this study. However, reductions in staff as a result of budget cuts have resulted in the current ratio of 1:20.

Offenders are also introduced from the onset of classes to the idea of encounter groups, which is described in their program handbook as “the backbone of the program - the most important tool.” The encounter groups, which are held twice weekly throughout the 90-day program and are monitored by two SAC Is, provide a supervised, structured process by which offenders can verbally confront each other about inappropriate behavior which occurs outside of the encounter sessions. The goal of the encounter group is to encourage offenders to be accountable for and to change unacceptable behaviors. When an offender observes another offender engaging in inappropriate behavior, the observer can write up this behavior on a “ticket” or indictment which will be reviewed at the next encounter group session. During encounter group sessions, each indictment is addressed, initially between the indictor and the indictee with other group members being allowed to make supportive comments to the indictee at the end of the session. If an offender is indicted, he usually faces a sanction which is given by the supervisor in the building. Sanctions might include an offender wearing a sign around his neck which describes his behavior (*e.g.*, “I have a vulgar mouth.”) or an offender doing an extra assignment of work. The encounter group sessions allow the group to monitor itself and make members accountable for their negative or disruptive behaviors.

Orientation Phase: The Orientation Phase takes place during the first three weeks of the offender's stay at DART Cherry. During the first week of the Orientation Phase, SAC IIs conduct classes which introduce the offenders to the terminology and philosophy of the therapeutic community model, programmatic activities, encounter groups, small process group work (sensitivity groups which address more personal issues) and an introduction to the 12-step philosophy of AA/NA. The remaining two weeks of the Orientation phase are devoted to the beginning of the drug education curriculum in which offenders are given initial information about drug addiction and its effects as well as about making changes in unhealthy patterns of thinking and behavior through cognitive behavior intervention and relapse prevention training.

Main Treatment Phase: In this phase, which lasts for six weeks, offenders continue their daily classes and participation in encounter groups, sensitivity groups, NA/AA and GED or ERP.

ReEntry Phase: This is the final phase in the DART Cherry program and occurs during the last three weeks of the program. During this phase, the emphasis is on relapse prevention and offenders developing their respective plans to transition back into the community. Offenders complete their classes by learning relapse prevention techniques and finishing their cognitive behavior intervention sessions.

Program Completion

To successfully complete the program, each participant must obey the rules of the program and participate in all assigned programmatic activities. DART Cherry staff report that 94% to 96% of offenders have successfully completed the 90-day program over the last several years. Prior to an offender's completion of the program, the Substance Abuse Program Consultant coordinates an aftercare appointment for each exiting offender with the Treatment Accountability for Safer Communities (TASC) office in the offender's county of residence. The Consultant follows up with TASC by mailing them a packet of information on each exiting offender, including a discharge summary, treatment plan, release of information and the date of the offender's appointment with the local TASC staff. The Consultant also gives an aftercare lecture to and conducts an exit survey with each graduating group. Before leaving the program, a formal graduation exercise is held for the exiting group which is attended by DART Cherry staff and offenders' families, friends, and probation officers.

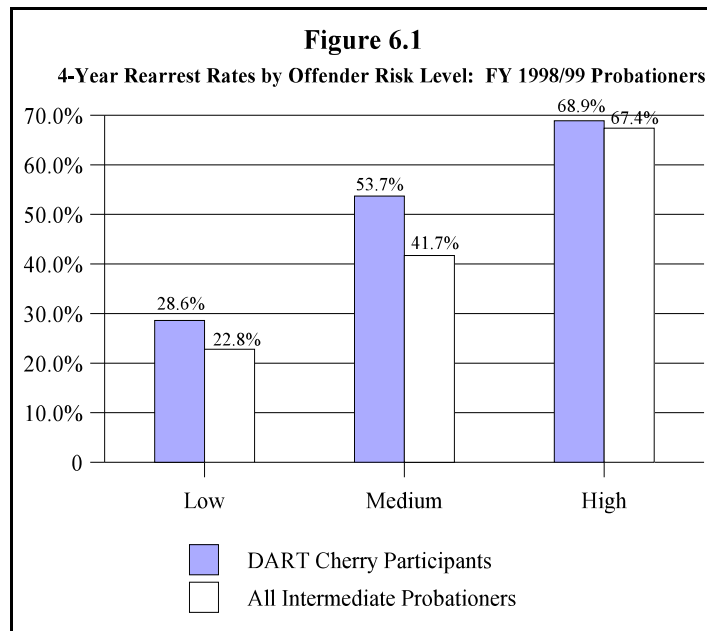
Following graduation, DART Cherry staff transport offenders who have successfully completed the program to the probation office in their respective county of residence. A packet of information containing a summary of the offender's treatment while at DART Cherry, treatment plan and recommendations for continuing treatment and the date of the offender's appointment with the local TASC staff is given to the probation officer when the offender is returned to his respective probation office. Once the offender leaves DART Cherry, staff have no further contact with the offender. If an offender fails to complete the 90-day program, he may be allowed to return to the program at a later date.

Criminal Justice Outcome Measures for FY 1998/99 Sample

The following information relates to the four criminal justice outcome measures discussed in Chapter Three. When relevant, comparisons are made between DART Cherry participants and all probationers with an intermediate punishment. While DART Cherry participants (who must be sentenced to an intermediate sanction) and intermediate probationers are similar in their criminal histories, the two groups differ in the distribution of their risk scores, their rates of drug and mental health referrals, and a known persistent substance abuse problem in the case of DART Cherry participants. Table 6.2 summarizes rearrest, reconviction, technical revocation, and reincarceration rates over the two- and four-year periods for both DART Cherry participants and all intermediate probationers.

Recidivist Arrests: Overall, 33.1% of DART Cherry participants were rearrested during the two-year follow-up and 49.8% were rearrested during the four-year follow-up.⁵⁰ Of those with a recidivist arrest within the four years, the average number of arrests was 2.2 and the two most common categories for recidivist arrests were property and drug offenses (28.0% and 22.3%, respectively). For those who were rearrested in the four-year follow-up period, their first rearrest occurred an average of 18 months after their entry to probation. The rearrest rates for all intermediate probationers were lower for both the two- and four-year follow-ups, and their time to first rearrest was somewhat shorter at 16.6 months.

Figure 6.1 shows four-year rearrest rates for DART Cherry participants and all intermediate probationers, controlling for offender risk level. Rearrest rates for participants varied by offender risk level, with high risk offenders more than twice as likely to be rearrested than low risk offenders. When comparing probationers within the same risk level, rearrest rates were consistently higher for DART Cherry participants than for all intermediate probationers.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

⁵⁰ The adjusted recidivism rates for the two- and four-year follow-up periods were 36.1% and 55.2%, respectively. For more information on adjusted recidivism rates, see Chapter Three.

Table 6.2
Criminal Justice Outcome Measures
During the Four-Year Follow-Up Period
FY 1998/99 Probation Entries

A Comparison of DART Cherry Participants with All Intermediate Probationers	Type of Criminal Justice Outcome Measure							
	% Rearrest		% Reconviction		% Technical Revocation		% Reincarceration	
	2-Year	4-Year	2-Year	4-Year	2-Year	4-Year	2-Year	4-Year
DART Cherry Participants	33.1%	49.8%	22.5%	39.9%	31.0%	49.1%	36.2%	53.3%
All Intermediate Probationers	32.0%	44.8%	20.1%	33.1%	34.2%	42.9%	40.4%	48.6%

SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

As mentioned above, the majority of DART Cherry participants had a referral to the DHHS' Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, more so than all intermediate probationers. Within the four-year follow-up, both DART Cherry participants and all intermediate probationers with referrals had significantly higher rearrest rates than similar offenders with no referrals (*see* Table 6.3). There was a slight difference in the two-year rearrest rate for DART Cherry participants who had a referral (33.8%) versus participants who did not have a referral (32.8%). However, DART Cherry participants with a referral had a higher four-year rearrest rate than participants who did not have a referral (52.5% versus 43.9%, respectively).

Table 6.3
Rearrest Rates by Drug and Mental Health Referrals
FY 1998/99 Probation Entries

A Comparison of DART Cherry Participants with All Intermediate Probationers	2-Year Rearrest Rate		4-Year Rearrest Rate	
	No Referral	One or More Referrals	No Referral	One or More Referrals
DART Cherry Participants	33.8%	32.8%	43.9%	52.5%
All Intermediate Probationers	30.2%	34.2%	41.6%	48.8%

SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

Recidivist Convictions: Overall, as displayed in Table 6.2, 22.5% of DART Cherry participants had a recidivist conviction in the two-year follow-up period, nearly doubling to 39.9% after four years. Those with new convictions averaged 1.5 convictions, most commonly for property and drug offenses (23.1% and 16.5%, respectively). For those who had a recidivist conviction in the four-year follow-up period, their first recidivist conviction occurred an average of 22.1 months after their entry to probation (compared to an average of 21.1 months for all intermediate probationers). As with rearrests, the reconviction rates of DART Cherry participants were higher than the rates of intermediate probationers, both after two and four years.

Technical Probation Revocations: Thirty-one percent of DART Cherry participants had a technical revocation within the two-year follow-up, increasing to 49.1% with technical revocations within the four-year follow-up. While intermediate probationers had a higher revocation rate than DART Cherry participants in the first two-year period (34.2%), their rate was lower in the four-year period (42.9%). For those revoked within the four years, first revocation occurred, on average, after 21.1 months for DART Cherry participants and after 15.1 months for all intermediate probationers.

Recidivist Incarcerations: Thirty-six percent of DART Cherry participants had a recidivist incarceration during the two-year follow-up period, increasing to 53.3% during the four-year follow-up. Similar to revocations, the incarceration rate for intermediate probationers was higher than for

DART Cherry participants after two years (40.4%), but lower after four years (48.6%). For those who had a recidivist incarceration during the four-year follow-up period, the first recidivist incarceration for DART Cherry participants was on average 19.5 months after their entry to probation, much longer than the average of 13.2 months for all intermediate probationers.

Table 6.4 compares the four criminal justice outcome measures for DART Cherry participants and all intermediate probationers, while controlling for their risk level. While recidivism rates increased within each of the two groups of probationers by risk level, the rates between the two groups were consistently higher for DART Cherry participants when controlling for offender risk level. In other words, there was a difference between the two groups, even after controlling for offender risk level and for specific program participation.

In summary, when looking at all four of the criminal justice outcome measures in Table 6.2, it is evident that DART Cherry participants had higher recidivism rates than all intermediate probationers for all of the measures during the four-year follow-up period. As mentioned above, 72% of participants were admitted to the program at least six months after their entry to probation, which means that they began their probation with traditional supervision within the community by a probation officer. Then, at a later time in their probation,⁵¹ these offenders were placed in the more restrictive, structured program at DART Cherry. This placement at DART Cherry might have had a delaying effect on the timing of an offender's recidivism. In addition, 61% of the participants indicated having a multi-drug addiction, almost half of the participants had some type of previous attempt in a substance abuse treatment program, and the data on drug and mental health referrals indicated a much greater involvement of this group in services for substance abuse and mental health. Because of these reasons, DART Cherry participants might be more prone to recidivate than all intermediate probationers.

Recent Developments

There have been two developments pertaining to DART Cherry that have recently occurred. The first one involves a change to the law which addresses the issue of the screening and assessment of offenders prior to their entry into DART Cherry. The law, which became effective December 1, 2003, requires that an offender ordered by a judge to a period of residential treatment at DART Cherry as a condition of probation undergo a screening to determine chemical dependency.⁵² Furthermore, the law states that, if necessary, said offender can also be ordered to undergo an assessment to determine the appropriate level of treatment. It is the intent of the law that an offender's chemical dependency needs be properly screened and assessed so that he can be matched with the most appropriate treatment, thus ensuring that only those offenders whose results indicate

⁵¹ Offenders may have a delayed entry into the DART Cherry program because of the backlog of admissions.

⁵² This law, Session Law 200-141, s1, originated from a recommendation which was made by the Sentencing Commission to the General Assembly during the 2003 Session.

Table 6.4
Criminal Justice Outcome Measures by Offender Risk Level
During the Four-Year Follow-Up Period
FY 1998/99 Probation Entries

Offender Risk Level	Type of Criminal Justice Outcome Measure							
	% Rearrest		% Reconviction		% Technical Revocation		% Reincarceration	
	DART Cherry Participants	All Intermediate Probationers	DART Cherry Participants	All Intermediate Probationers	DART Cherry Participants	All Intermediate Probationers	DART Cherry Participants	All Intermediate Probationers
Low	28.6%	22.8%	20.9%	14.5%	37.8%	26.8%	37.8%	28.1%
Medium	53.7%	41.7%	44.8%	29.8%	51.7%	42.6%	51.7%	47.9%
High	68.9%	67.4%	54.9%	52.9%	58.5%	57.5%	74.4%	67.4%
All	49.8%	44.8%	39.9%	33.1%	49.1%	42.9%	53.3%	48.6%

SOURCE: NC Sentencing and Policy Advisory Commission, FY 1998/99 Correctional Program Evaluation Data

the need for the services of DART Cherry will be admitted. Since it is the responsibility of DCC to supervise offenders on probation and ensure their compliance with the conditions of probation, DCC has made changes to their policy in order to ensure that probation officers immediately submit a request to TASC for a screening/assessment of an offender.⁵³ TASC conducts the screening and, if needed, the assessment, and then notifies DCC of the recommendations. This process has been helped, in large part, by a memorandum of understanding which already existed between the DOC and DHHS. There is an addendum to this memorandum of understanding, which is specifically between DART Cherry and TASC, that is in the process of being finalized.

The second development involves recommendations recently approved by the Secretary of the DOC which were submitted by the Substance Abuse Advisory Council. The Substance Abuse Advisory Council, which is defined statutorily as a nine member body who consults with the Secretary of the DOC in the administration of the department's substance abuse program,⁵⁴ developed recommendations pertaining to specific changes to be made to the 90-day and 28-day DART Cherry programs. Some of the changes proposed by the Council include: adopting a standardized curricula which blends the therapeutic community, cognitive behavioral and Minnesota model modalities, increasing the length of treatment for offenders (*i.e.*, 28-day to 90-day and 90-day to 180-day), providing additional training to staff, and improving services for offenders who have a dual diagnosis.⁵⁵ In December 2003, the Secretary of the DOC accepted and supported these recommendations. A plan for implementing these recommendations has not yet been developed.

Summary and Conclusions

DART Cherry provides the only state-operated residential treatment program for chemically dependent male offenders who are being supervised in the community. The probationers who are admitted to DART Cherry have committed offenses or violations of their probation that result in the imposition of intermediate sanctions, which are reserved for the more serious offenders who remain in the community in lieu of being incarcerated. These offenders, in general, face difficulties in at least one area of their life, and many of them experience significant substance abuse problems. For the offenders whose substance abuse issues require a higher level of treatment than outpatient treatment services can provide, and who cannot afford private residential treatment, the 90-day component of DART Cherry is a viable option for judges to utilize.

The DART Cherry program has many positive attributes. The program has a dedicated staff who deliver services to a challenging population on a very limited budget. The cognitive behavioral

⁵³ A primary mission of TASC is to provide clinical assessment, treatment matching, referral, and care management services to offenders.

⁵⁴ G.S. § 143B-270.

⁵⁵ The Secretary of the DOC has previously approved recommendations made by the Substance Abuse Advisory Council pertaining to in-prison substance abuse treatment services. Some implementation of these recommendations has been initiated by the DOC.

therapy which is used in the DART Cherry program is recognized nationally as a successful approach to treating offenders with alcohol and drug problems. Additionally, DART Cherry reports a high rate of successful completion.

In spite of these positive points, the criminal justice outcome measures when applied to DART Cherry are disconcerting, especially when the measures are compared to intermediate probationers as a whole. As noted earlier in this chapter, in the four-year follow-up, recidivist arrests, recidivist convictions, technical probation revocations and recidivist incarcerations for DART Cherry participants were consistently higher than those of the entire intermediate probation group. Some of the reasons for DART Cherry's high recidivist measures unfold as other dynamics of this group are examined. In addition to their criminal history, DART Cherry participants appeared to have more extensive problems than intermediate probationers. This group had significant drug and/or mental health problems, with 68% having had at least one drug/mental health referral (as compared to 45.5% of intermediate probationers). The fact that 48.6% of the DART Cherry group had a previous admission to a substance abuse program shows that these offenders had not been responsive to prior substance abuse treatment and consequently still had drug problems. The timing of their entry into DART Cherry may have had some bearing on the outcome measures since 72% of the participants were not admitted until at least six months after the start of their probationary term. The duration of treatment and the lack of sufficient treatment follow-up are also variables which could have affected the criminal justice outcome measures of this group.

As indicated by this study and in the above-mentioned recommendations from the Substance Abuse Advisory Council, some changes to the DART Cherry program are needed in order to strengthen, enhance, and expand its treatment services. One of the areas of change that should be considered by the DOC pertains to DART's treatment modality. The 90-day component of DART Cherry uses some elements from the therapeutic community model, which has been shown nationally to be a successful treatment modality for those with substance abuse issues. However, it would seem that DART Cherry could benefit from incorporating more elements from the therapeutic community model into the structure of its program, beginning with the duration of treatment. Studies conducted by the National Institute on Drug Abuse (NIDA) noted that the length of treatment at therapeutic communities is strongly related to positive outcomes. In their August 2002 research report, NIDA reported that "individuals who complete at least 90 days of treatment in a Therapeutic Community have significantly better outcomes on average than those who stay for shorter periods." Studies by NIDA and other research entities recommend that a minimum length of stay at a therapeutic community should be 6 months. There are other elements of a therapeutic community that could enhance the DART Cherry program, including lowering the ratio of staff to offenders. NIDA reported an average ratio of 1:11 in their studies, while DART Cherry currently has a ratio of 1:20. The higher ratio is due, in large part, to the staff reductions that DART Cherry has had to make in response to budget cuts in recent years. Additionally, the therapeutic communities that were part of the NIDA studies had degreed social workers, psychologists, and other professionals who were a part of the staff. While the majority of DART Cherry service providers bring their personal experiences to their positions, few of them are degreed and even fewer are certified as substance abuse counselors. Further, DART Cherry does not have any mental health professionals on their staff who

can respond to offenders who have a dual diagnosis.

As previously noted, the last three weeks of the DART program focus on the reentry of the offender back into the community. Curricula are geared toward relapse prevention techniques, offenders develop a transitional plan, and a staff person coordinates an appointment with TASC personnel in the offender's county of residence and forwards pertinent information regarding the offender's discharge summary and recommendations for further treatment. Additionally, similar information is forwarded to the offender's probation officer. While all of these efforts are commendable, a more fully developed reentry process could benefit the offender and perhaps reduce the probability of further criminal activity and drug involvement. An increase in the integration of services between these two agencies and ensuring that DCC, whose role as case manager is crucial, is involved should help in the development of a seamless system of services for these offenders from the screening/assessment stage through the aftercare stage. A memorandum of understanding is in the process of being finalized between DART Cherry and TASC which should help this effort.

The State's budget constraints notwithstanding, additional treatment beds are needed for offenders with drug and alcohol problems. If the DART Cherry program was expanded, it would be optimal if a second residential treatment facility could be placed in the western part of the state. This would not only have offenders in that part of the state closer to their county of residence so that they could be more accessible to their families and provide them with an easier transition back to the community, but it would also provide a cost savings to the current DART Cherry program that has to utilize staff and resources to transport offenders to that part of the state. In discussing the possibility of expansion of residential treatment services, one would be remiss in failing to note the lack of such services for female probationers, who also experience chemical dependency problems. Currently, there is an advisory group composed of representatives from DOC, DHHS, Administrative Office of the Courts (AOC), and private providers of substance abuse treatment who are discussing whether or not grant monies should be pursued for residential treatment for chemically dependent female offenders.

In conclusion, residential treatment for chemically dependent offenders who remain in the community is a resource which is vitally needed in our state. Without proper treatment, chemically dependent offenders will continue to experience problems which, in all likelihood, will continue to drain legal, correctional and drug/mental health-related resources. DART Cherry meets that need up to a point but aforementioned changes to the 90-day program could strengthen the delivery of services to a very difficult offender population. Changes that are made to the DART Cherry program may also result in affecting outcomes of the program, including the recidivism rates for offenders who have successfully completed treatment. Additionally, the integrated efforts of agencies to deal with this challenging group of offenders is an excellent combined utilization of resources since the state's recent budgetary constraints have affected all of the involved agencies. Such a team approach is needed since these offenders are not the sole responsibility of one agency.

CHAPTER SEVEN SUMMARY AND CONCLUSIONS

In 1998 the North Carolina General Assembly directed the Sentencing and Policy Advisory Commission to prepare biennial reports evaluating the effectiveness of the State's correctional programs (1998 Session Law 212, Section 16.18). This study constitutes the third report in compliance with the directive and includes a number of major methodological improvements.

Using the sample of 58,238 offenders released from prison or placed on probation in FY 1998/99, this study extended the follow-up period of the cohort from two years to four years in order to assess their long term recidivism. The study also expanded the definition of recidivism beyond rearrest and reconviction to include the additional measures of technical revocation and (re)incarceration. Finally, in addition to standard rearrest rates, the report also provided estimates for adjusted rates of rearrest based on offenders' actual time at risk during the follow-up period.

This report presented four different criminal justice measures of recidivism as it followed the sample for four years. Rearrest, reconviction, technical revocation, and (re)incarceration rates for the two-year and four-year follow-up periods showed a similar pattern of increases that slow down over time. It should be noted that the incarceration rates, based on admission to North Carolina's prison system, underestimate the actual number of active sentences. Technical revocations and active sentences imposed for new crimes that result in terms of 90 days or less are served in county jails, for which no statewide automated data were available.

	<u>% Rearrest</u>	<u>% Reconviction</u>	<u>% Technical Revocation</u>	<u>% (Re)incarceration</u>
2-Year Follow-Up	31.2	19.8	22.1	22.6
4-Year Follow-Up	42.7	31.7	31.0	32.3

Recidivism rates varied by the type of supervision in the community and correctional program assignments. In addition, all measures of recidivism were found to vary by offender risk level, with a stair-step increase in recidivism rates from low risk to medium risk to high risk. However, much of the variation in the probability to be rearrested for the different types of supervision disappeared when controlling for offender risk level. The risk score, developed originally to predict the probability of rearrest, was found to be an equally powerful predictor of additional criminal justice outcomes and can be used as a valid factor in assessing the probability of future recidivism in general.

Rearrest rates for the entire sample over the follow-up period rose from 21% in the first year to 43% by the fourth year, with the greatest proportion of rearrests occurring in the first year, and increasing at a declining rate through the fourth year. By the end of the four-year follow-up, the sample accounted for 61,396 recidivist arrests, including 12,069 arrests with at least one violent offense charge.

	<u>1-Year Follow-Up</u>	<u>2-Year Follow-Up</u>	<u>3-Year Follow-Up</u>	<u>4-Year Follow-Up</u>
Rearrest Rate	21.0%	31.2%	37.8%	42.7%
Adjusted Rearrest Rate	21.9%	33.4%	40.8%	46.3%

Adjusted rearrest rates, reflecting offenders' actual "time at risk" (*i.e.*, subtracting an offender's periods of incarceration during follow-up from the total follow-up period), were slightly higher than the unadjusted rates over the four years, with adjusted rearrest rates of 22%, 33%, 41% and 46%. The adjusted rearrest rates estimate the rate of rearrest that would have occurred if every offender were at risk for the entire follow-up period. The gap between the two measures of rearrest widened somewhat over time, as more offenders were incarcerated due to probation revocations or new sentences, thereby reducing the pool of "at risk" offenders.

More in-depth analysis of the correlates of recidivism, using multivariate techniques, revealed that personal, offense-based and criminal history factors all affected an offender's subsequent encounters with the criminal justice system. Being male, black, younger, and single increased the probability of recidivism. While on the face of it these variables are demographic in nature, they might be highly correlated with socioeconomic components and the availability of social networks – all possibly related to criminality. A recurring set of factors increasing the probability of recidivism is involvement with drugs (as indicated by prior drug arrests), having a history of substance abuse, and having prior drug and mental health referrals. Finally, more frequent and penetrating prior involvement with the criminal justice system, as captured by the risk score and other variables, was found to be a strong predictor of recidivism.

While describing it as a trend might be premature, it is nevertheless noteworthy that the two-year rearrest rates for the FY 1996/97 and FY 1998/99 samples were almost identical (32.6% and 31.2%, respectively). The three-year rate of 37.8% for the FY 1998/99 sample was similar to the 37.3% rate found, with a similar follow-up period, for the FY 1994/95 sample. The four-year follow-up of the current study, the longest available so far, was within predictable parameters with a 42.7% rearrest rate. In general, rearrest rates for North Carolina offenders appear to be consistent over time, when accounting for the differences in sentencing laws and length of follow-up periods.

This report focused on the probation violation and revocation process, highlighting a variety of issues. Revocations to prison are a major component in using correctional resources, both in terms of community corrections (with revocations for probationers occurring, on average, only after 16 months following entry to probation) and prison bed expenditures. Discussion of the policies and practices in place at the time of the cohort's four-year follow-up provided a baseline for future evaluation of the changes implemented by DCC in 2002 to further structure the violation and revocation process. The reforms, if fully successful, might impact the recidivism of probationers, especially those on intermediate sanctions, by lowering both their revocation and rearrest rates.

DART Cherry, the only correctional program described in detail in this report, provides the only state-operated residential treatment program for chemically dependent male offenders who are being supervised in the community. While the program has many positive attributes, the criminal justice outcome measures for DART Cherry are disconcerting, especially when compared to intermediate probationers as a whole. In the four-year follow-up, recidivist arrests, recidivist convictions, technical probation revocations and recidivist incarcerations for DART Cherry participants were consistently higher than those of the entire intermediate probation group. Some of the reasons for DART Cherry's high rates of recidivism unfolded as other dynamics of this group were examined. In addition to their criminal history, DART Cherry participants appeared to have more extensive drug and/or mental health problems compared to intermediate probationers. This finding is consistent with a national trend that indicates many offenders have a dual diagnosis (indicating the presence of both drug and mental health problems). Furthermore, a delay in entering treatment, the duration of treatment, and the lack of sufficient treatment aftercare are factors which could have affected the higher recidivism of this group.

As indicated by this study and the recommendations endorsed by the Substance Abuse Advisory Council and the Secretary of the DOC, the DART Cherry program could be strengthened by a number of changes to its treatment modality, beginning with lengthening the duration of treatment, lowering the ratio of staff to offenders, and increasing the number of degreed professional staff. A more fully developed reentry process, which includes an increase in the integration of services among involved agencies, could benefit the offender and perhaps reduce the probability of further criminal activity and drug involvement. Finally, a comparable program for women and additional treatment beds for men are needed for offenders with drug and alcohol problems.

It should be emphasized that an offender's assignment to a correctional program, in general, should not be viewed as a panacea for criminal behavior. Offenders participating in a correctional program bring with them many preexisting social and criminal problems that the program may not be able to address because of its timing in the offender's sentence, its duration, and its overall scope. In short, while correctional programs co-vary with recidivism, they should not be expected to have a major impact on preventing or reducing recidivism.

Extending the follow-up period of the study to four years and accounting for the actual time offenders are at risk to recidivate (*i.e.*, not incarcerated) led to additional insights. The cohort of offenders should not be viewed as defined by the specific offense/conviction/sentence that had placed them in the sample's "catch-frame." A more accurate way is to view them as a cohort moving through criminal careers, with a string of criminal justice events – arrests, convictions, probationary and active sentences, revocations to jail or prison, and a variety of treatments – that more often than not overlap. This recidivism study, therefore, has evolved into more of a "moving picture" of the cohort in perpetual transition than a "still photograph" of the group frozen in time and defined by a single crime, conviction, or sentence. In that sense, the offenders in the cohort should not be characterized, and categorized, as felons or misdemeanants, property offenders or violent offenders, prisoners or probationers.

As expected, the four-year follow-up shows an increase in the various measures of

recidivism, but these increases slow down over time, with the highest rates for all four outcomes occurring in the first year. This finding would appear to underline the need for focusing resources and services in that critical time period, whether it is the first year of a probationary sentence, the beginning of parole or post release supervision, or the initial period following release from prison. Reentry services, a concept on the rise nationwide, could help lower recidivism rates for a wide variety of offenders who are exiting prison or residential community treatment. Services which focus on vocational training, employment assistance, and drug and mental health treatment issues can be vital to whether or not an offender is successful in the community. It should be noted again in this context that substance abuse was found to be an underlying problem and a recurring factor in the continued criminality for many of the offenders (and not only those assigned to DOC treatment programs). Much of the success of the reentry initiatives would depend on the degree of cooperation between a coalition of agencies, each of which holds a piece of the solution to rehabilitate and reintegrate offenders into their communities.

The “time at risk” component also provides a first, albeit indirect, look at the relationship between incapacitation and crime. The adjusted rearrest rates reflect the rate of rearrest that would have occurred if every offender had been in the community and at risk for the entire follow-up period; a measure easily translatable to additional crimes (cleared by arrest) that could have been committed by these offenders. Put simply, the difference between the actual and the adjusted rate of rearrest is the result of the incapacitation of some of the sample offenders during follow-up.

Rearrest rates and adjusted rearrest rates for the four-year follow-up have accentuated even more of a need for targeting North Carolina’s limited correctional resources to groups of offenders whose criminal futures are the most likely to be affected by it. Preexisting personal and criminal history factors, which are summarized in the composite risk score, are highly and consistently correlated with the court decision about an offender’s disposition and program assignments, and with that offender’s propensity to reoffend. This finding might point to a recommendation for targeting medium risk offenders and offenders with persistent substance abuse problems as the most likely to benefit from correctional programs. Prisons, which increase the probability of recidivism even when controlling for all other factors, should be reserved for the most serious, violent, and high risk offenders, while community probation should be utilized for the least serious, low risk offender.

Finally, there are a few issues that could be further explored in the future, given the availability of data and resources. More specific information about the nature of probation violations would allow for a more complete understanding of the probation supervision and revocation process. Jail data, including offenders serving active terms of 90 days or less as a result of revocations or new sentences, would provide a more complete account of incarceration and time at risk. Further information from the DHHS data source would give a more detailed profile of the referrals by type (*i.e.*, drug or mental health needs), diagnosis, and clients’ actual participation in treatment. While multivariate analysis indicates factors that affect *whether* an offender will recidivate, future research should utilize survival analysis to examine how these same factors affect *when* an offender will recidivate. Knowledge of factors that predict when offenders with certain characteristics tend to recidivate would provide practical information to programs for developing additional treatment or supervision protocols that could further delay, or even prevent, recidivism.

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APPENDIX A:
INDIVIDUAL PROGRAM
SUMMARIES

ALL PRISON RELEASES AND PROBATION ENTRIES

The FY 1998/99 sample is comprised of 58,238 offenders who either entered probation or were released from prison during that period.

FY 1998/99 Sample

The sample is comprised of all offenders who entered supervised probation or were released from prison during FY 1998/99, with the following exclusions:

- ☐ FSA probation entries;
- ☐ pre-FSA cases;
- ☐ offenders with a most serious current conviction for driving while impaired; and
- ☐ offenders with a most serious current conviction for a misdemeanor traffic offense.

Overall, 80.4% were male, 56.7% were black, 64.4% were single, and less than half (47.9%) had twelve years or more of education. Over three-quarters (76.9%) of the sample had at least one prior fingerprinted arrest, with an average of 2.8 prior arrests. Forty-nine percent of the sample had a most serious current conviction (*i.e.*, the conviction which placed them in the sample) for a felony offense. The majority of current convictions were for three categories of offenses: misdemeanor property offenses (22.3%), felony drug offenses (19.7%), and felony property offenses (19.4%). Overall, 31.2% of the sample had a recidivist arrest for any offense in the two-year follow-up and 42.7% had a recidivist arrest in the four-year follow-up. For those who were rearrested during the four-year follow-up period, their first rearrest occurred an average of 16.3 months after entry to probation or release from prison.

Many offenders in the sample were ordered to participate in various correctional programs. The programs are divided into two categories – those for probation entries and those for prison releases. Also included are the three prison programs that were highlighted in the 2000 Correctional Program Evaluation: Drug Alcohol Recovery Treatment (DART)-Prison, Sex Offender Accountability and Responsibility (SOAR), and Work Release, and the two prison programs that were featured in the 2002 evaluation: Correctional (Academic) Education and Correction Enterprises. *For this table and the remainder of tables presented in this appendix, please note that due to offender participation in multiple programs the numbers presented for program participation do not equal the number of clients and that the percentages presented for program participation do not equal 100%.*

All Prison Releases and Probation Entries FY 1998/99

Number of clients (N): 58,238

Age in years:		Recidivist Arrests:	
Mean	29	Two-Year Follow-up Period	
Median	28	% With Recidivist Arrest	31.2
		Mean Number Recidivist Arrests	0.6
Gender:		Four-Year Follow-up Period	
Male	80.4	% With Recidivist Arrest	42.7
Female	19.6	Mean Number Recidivist Arrests	1.1
Race:		Recidivist Convictions:	
Black	56.7	Two-Year Follow-up Period	
Non-Black	43.3	% With Recidivist Conviction	19.8
		Mean Number Recidivist Convictions	0.3
Marital Status:		Four-Year Follow-up Period	
Single	64.4	% With Recidivist Conviction	31.7
Divorced/Separated	18.3	Mean Number Recidivist Convictions	0.5
Married/Widowed	16.1		
Other/Unknown	1.2		
% with 12 years of education or more:		Technical Revocations:	
	47.9	Two-Year Follow-up Period	
Criminal History:		% With Technical Revocation	22.1
% With Prior Arrest	76.9	Mean Number Technical Revocations	0.2
Mean Number of Prior Arrests	2.8	Four-Year Follow-up Period	
Current Offense:		% With Technical Revocation	31.0
Violent Felony	7.8	Mean Number Technical Revocations	0.4
Property Felony	19.4		
Drug Felony	19.6	Recidivist Incarcerations:	
Other Felony	2.4	Two-Year Follow-up Period	
Violent Misdemeanor	15.3	% With Recidivist Incarcerations	22.6
Property Misdemeanor	22.3	Mean Number Recidivist Incarcerations	0.3
Drug Misdemeanor	8.2	Four-Year Follow-up Period	
Other Misdemeanor	5.0	% With Recidivist Incarcerations	32.3
Mean prison time served for current offense in months (prison releases only):		Mean Number Recidivist Incarcerations	0.4
	20.7		
Drug and Mental Health Referrals:		Participation in programs:	
% With Referral	39.3	Probation Entries	
Mean Number of Referrals	0.7	SSA Probation - Community Punishment	29,054
		SSA Probation - Intermediate Punishment	10,493
		Intensive Supervision Probation	7,253
Risk Level:		Special Probation	4,377
Low	33.3	Community Service	12,999
Medium	33.3	IMPACT	947
High	33.4	House Arrest with Electronic Monitoring	1,382
		Prison Releases	
		SSA Prison Release	13,409
		FSA Prison Release	5,282
		Intensive Supervision (FSA parole only)	500
		Community Service (FSA parole only)	1,540

SSA PROBATION - COMMUNITY PUNISHMENT

Probation is considered a community punishment except when certain conditions (known as intermediate punishments) are imposed. The purposes of probation supervision are to control the offender in the community, provide opportunities for substance abuse and mental health treatment, ensure compliance with the conditions of probation, and enforce the conditions of probation through the violation process. Unless the court makes a specific finding that a longer or shorter term of probation is necessary, the court imposes a term which is no less than twelve and no more than thirty months for a felon sentenced to a community punishment. Special conditions may be imposed to further restrict freedom and limit movement in the community, to add more punitive measures, or to establish a complete individual treatment plan addressing the special needs and risk of the offender and providing realistic opportunities for behavioral changes which will ultimately lead to the successful completion of the supervision period. If the offender violates the conditions of probation, certain restrictive conditions that are considered intermediate punishments may be utilized at that time by the court, such as: special probation, intensive supervision, house arrest with electronic monitoring, day reporting centers, and IMPACT (effective December 1, 1998, IMPACT is no longer a condition of special probation but is considered a residential program).

Probation is administered by the Division of Community Corrections within the Department of Correction. Probation varies in intensity and restrictiveness depending on the level of supervision. Community probation is the lowest level of supervised probation. The court and the probation officer match the offender to the appropriate level of supervision. The Division of Community Corrections' Field Operations Policies and Procedures advocate that probation/parole officers approach the supervision of each case by balancing the elements of treatment and control. Officers may serve as brokers of community treatment and educational resources as they supervise the conduct of offenders to ensure compliance with conditions of probation or parole. For each level of supervision, the Department of Correction requires that officers adhere to minimum contact standards.

A case management plan, which has been in effect since September 1, 1999, incorporates two classes of officers: the community punishment officer who fulfills the more traditional basic probation/parole officer role and the intermediate punishment officer who supervises intermediate punishment level cases and community punishment level probation violators. Community officers (PPO I) supervise community punishment level cases which require less field contacts with offenders. The goal for the community punishment officer is to carry a caseload of 90.

SSA Probation - Community Punishment FY 1998/99

Number of clients (N): 29,054

Age in years:		Recidivist Arrests:	
Mean	28	<i>Two-Year Follow-up Period</i>	
Median	26	% With Recidivist Arrest	24.2
		Mean Number Recidivist Arrests	0.4
Gender:			
	%	<i>Four-Year Follow-up Period</i>	
Male	72.7	% With Recidivist Arrest	33.9
Female	27.3	Mean Number Recidivist Arrests	0.8
Race:			
	%	Recidivist Convictions:	
Black	50.4	<i>Two-Year Follow-up Period</i>	
Non-Black	49.6	% With Recidivist Conviction	15.0
		Mean Number Recidivist Convictions	0.2
Marital Status:			
	%	<i>Four-Year Follow-up Period</i>	
Single	64.2	% With Recidivist Conviction	24.1
Divorced/Separated	16.8	Mean Number Recidivist Convictions	0.4
Married/Widowed	17.1		
Other/Unknown	1.9		
% with 12 years of education or more:			
	49.7	Technical Revocations:	
Criminal History:		<i>Two-Year Follow-up Period</i>	
% With Prior Arrest	63.2	% With Technical Revocation	23.0
Mean Number of Prior Arrests	1.6	Mean Number Technical Revocations	0.2
		<i>Four-Year Follow-up Period</i>	
Current Offense:		% With Technical Revocation	29.9
	%	Mean Number Technical Revocations	0.4
Violent Felony	0.6		
Property Felony	7.9	Recidivist Incarcerations:	
Drug Felony	10.7	<i>Two-Year Follow-up Period</i>	
Other Felony	0.7	% With Recidivist Incarcerations	13.4
Violent Misdemeanor	21.7	Mean Number Recidivist Incarcerations	0.2
Property Misdemeanor	36.1		
Drug Misdemeanor	13.9	<i>Four-Year Follow-up Period</i>	
Other Misdemeanor	8.4	% With Recidivist Incarcerations	20.1
		Mean Number Recidivist Incarcerations	0.3
Mean prison time served for current offense in months (prison releases only):			
	N/A	Participation in programs:	%
Drug and Mental Health Referrals:		<i>Probation Entries</i>	
% With Referral	33.6	Intensive Supervision Probation	6.6
Mean Number of Referrals	0.6	Special Probation	4.6
		Community Service	30.7
Risk Level:		IMPACT	1.3
	%	House Arrest with Electronic Monitoring	1.6
Low	45.5		
Medium	36.6		
High	17.9		

SSA PROBATION - INTERMEDIATE PUNISHMENT

Under Structured Sentencing, an intermediate punishment requires the offender to be placed on supervised probation with at least one of the following conditions: special probation, intensive supervision assignment to a residential community corrections program, house arrest with electronic monitoring, assignment to a day reporting center, or comply with a Community Penalty Plan (which is no longer considered an intermediate punishment effective January 1, 2000). Unless the court makes a specific finding that a longer or shorter term of probation is necessary, the court imposes a term which is no less than eighteen and no more than thirty-six months for a felon sentenced to an intermediate punishment.

The purposes of probation supervision are to control the offender in the community, provide opportunities for substance abuse and mental health treatment, ensure compliance with the conditions of probation, and enforce the conditions of probation through the violation process. Special conditions may be imposed to further restrict freedom and limit movement in the community, to add more punitive measures, or to establish a complete individual treatment plan addressing the special needs and risk of the offender and providing realistic opportunities for behavioral changes which will ultimately lead to the successful completion of the supervision period. Offenders may also be placed on the sanction from a less restrictive supervision level (*i.e.*, community punishment probation) as a result of the probation violation process.

Probation is administered by the Division of Community Corrections within the Department of Correction. Probation varies in intensity and restrictiveness depending on the level of supervision. The court and the probation officer match the offender to the appropriate level of supervision. The Division of Community Corrections' Field Operations Policies and Procedures advocate that probation/parole officers approach the supervision of each case by balancing the elements of treatment and control. Officers may serve as brokers of community treatment and educational resources as they supervise the conduct of offenders to ensure compliance with conditions of probation or parole. For each level of supervision, the Department of Correction requires that officers adhere to minimum contact standards.

A case management plan, which has been in effect since September 1, 1999, incorporates two classes of officers: intermediate punishment officers who supervise intermediate punishment level cases and community punishment level probation violators, and community punishment officers who fulfill the more traditional basic probation/parole officer role. The intermediate punishment officers (PPO III and PPO II) are required to conduct the vast majority of offender contacts in the field, away from the relative safety of the office. This intermediate punishment officer (PPO II) has a caseload goal of 60. The intermediate punishment officers specializing in intensive supervision cases (PPO III) carry 25 intensive cases.

SSA Probation - Intermediate Punishment FY 1998/99

Number of clients (N): 10,493

Age in years:

Mean 29
Median 27

Gender:

..... %
Male 85.5
Female 14.5

Race:

..... %
Black 57.6
Non-Black 42.4

Marital Status:

..... %
Single 64.3
Divorced/Separated 18.5
Married/Widowed 15.9
Other/Unknown 1.3

% with 12 years of education or more: 46.5

Criminal History:

% With Prior Arrest 85.5
Mean Number of Prior Arrests 3.0

Current Offense:

..... %
Violent Felony 13.8
Property Felony 25.5
Drug Felony 28.8
Other Felony 3.9
Violent Misdemeanor 12.7
Property Misdemeanor 9.5
Drug Misdemeanor 3.3
Other Misdemeanor 2.5

Mean prison time served for current offense in months (prison releases only): N/A

Drug and Mental Health Referrals:

% With Referral 45.1
Mean Number of Referrals 0.8

Risk Level:

..... %
Low 30.7
Medium 34.5
High 34.8

Recidivist Arrests:

Two-Year Follow-up Period
% With Recidivist Arrest 32.0
Mean Number Recidivist Arrests 0.6

Four-Year Follow-up Period

% With Recidivist Arrest 44.8
Mean Number Recidivist Arrests 1.1

Recidivist Convictions:

Two-Year Follow-up Period
% With Recidivist Conviction 20.1
Mean Number Recidivist Convictions 0.3

Four-Year Follow-up Period

% With Recidivist Conviction 33.1
Mean Number Recidivist Convictions 0.5

Technical Revocations:

Two-Year Follow-up Period
% With Technical Revocation 34.2
Mean Number Technical Revocations 0.4

Four-Year Follow-up Period

% With Technical Revocation 42.9
Mean Number Technical Revocations 0.5

Recidivist Incarcerations:

Two-Year Follow-up Period
% With Recidivist Incarcerations 40.4
Mean Number Recidivist Incarcerations 0.5

Four-Year Follow-up Period

% With Recidivist Incarcerations 48.6
Mean Number Recidivist Incarcerations 0.7

Participation in programs:

..... %
Probation Entries
Intensive Supervision Probation 50.8
Special Probation 29.0
Community Service 39.0
IMPACT 5.4
House Arrest with Electronic Monitoring 8.6

INTENSIVE SUPERVISION PROBATION

Intensive supervision probation is considered an intermediate punishment and is the most frequently used of the intermediate punishments. Under Structured Sentencing, an intermediate punishment requires the offender to be placed on supervised probation with at least one of the following conditions: special probation, assignment to a residential community corrections program, house arrest with electronic monitoring, assignment to a day reporting center, or comply with a Community Penalty Plan (which is no longer considered an intermediate punishment effective January 1, 2000). Since intensive probation is the most restrictive level of supervision, its purpose is to target high risk offenders. If the offender's class of offense and prior record level authorize an intermediate punishment as a sentence disposition, the judge has the discretion to place an offender on intensive supervision. Offenders may also be placed on the sanction from a less restrictive supervision level (*i.e.*, community punishment) as a result of the probation violation process. Offenders remain on intensive probation for an average of six to eight months before completing their probationary term on a less restrictive level of intermediate supervision.

Intensive supervision probation is administered by the Division of Community Corrections within the Department of Correction. Intensive probation is available in all judicial districts within the State of North Carolina for offenders on probation, post-release supervision, and parole. An intensive team is comprised of an intensive probation officer and a surveillance officer, with each team member having a specific set of minimum standards to fulfill for each case. The Division of Community Corrections' Field Operations Policies and Procedures advocate that probation/parole officers approach the supervision of each case by balancing the elements of treatment and control. Officers may serve as brokers of community treatment and educational resources as they supervise the conduct of offenders to ensure compliance with conditions of probation or parole.

A case management plan, which has been in effect since September 1, 1999, incorporates two classes of officers: intermediate punishment officers who supervise intermediate punishment level cases and community punishment level probation violators, and community punishment officers who fulfill the more traditional basic probation/parole officer role. The intermediate punishment officers specializing in intensive supervision cases (PPO III) carry 25 intensive cases.

Intensive Supervision Probation FY 1998/99

Number of clients (N): 7,253

Age in years:		Recidivist Arrests:	
Mean	27	Two-Year Follow-up Period	
Median	26	% With Recidivist Arrest	38.8
		Mean Number Recidivist Arrests	0.7
Gender:			
	%	Four-Year Follow-up Period	
Male	84.5	% With Recidivist Arrest	51.7
Female	15.5	Mean Number Recidivist Arrests	1.2
Race:			
	%	Recidivist Convictions:	
Black	56.4	Two-Year Follow-up Period	
Non-Black	43.6	% With Recidivist Conviction	26.2
		Mean Number Recidivist Convictions	0.4
Marital Status:			
	%	Four-Year Follow-up Period	
Single	66.8	% With Recidivist Conviction	39.9
Divorced/Separated	17.2	Mean Number Recidivist Convictions	0.6
Married/Widowed	14.8		
Other/Unknown	1.2		
% with 12 years of education or more:			
	45.8	Technical Revocations:	
Criminal History:		Two-Year Follow-up Period	
% With Prior Arrest	86.0	% With Technical Revocation	36.1
Mean Number of Prior Arrests	2.9	Mean Number Technical Revocations	0.4
		Four-Year Follow-up Period	
Current Offense:		% With Technical Revocation	47.8
	%	Mean Number Technical Revocations	0.5
Violent Felony	11.6		
Property Felony	24.8	Recidivist Incarcerations:	
Drug Felony	30.6	Two-Year Follow-up Period	
Other Felony	3.6	% With Recidivist Incarcerations	44.5
Violent Misdemeanor	9.1	Mean Number Recidivist Incarcerations	0.5
Property Misdemeanor	13.6		
Drug Misdemeanor	4.0	Four-Year Follow-up Period	
Other Misdemeanor	2.7	% With Recidivist Incarcerations	54.6
		Mean Number Recidivist Incarcerations	0.8
Mean prison time served for current offense in months (prison releases only):			
	N/A	Participation in programs:	%
Drug and Mental Health Referrals:		Probation Entries	
% With Referral	47.4	SSA Probation - Community Punishment	26.4
Mean Number of Referrals	0.8	SSA Probation - Intermediate Punishment	73.6
		Special Probation	20.7
Risk Level:		Community Service	60.4
	%	IMPACT	8.2
Low	28.2	House Arrest with Electronic Monitoring	8.4
Medium	37.8		
High	34.0		

SPECIAL PROBATION

Special probation (also known as a split sentence) is an intermediate punishment. Under Structured Sentencing, an intermediate punishment requires the offender to be placed on supervised probation with at least one of the following conditions: special probation, intensive supervision, assignment to a residential community corrections program, house arrest with electronic monitoring, assignment to a day reporting center, or comply with a Community Penalty Plan (which is no longer considered an intermediate punishment effective January 1, 2000). In cases utilizing the condition of special probation, an offender is required to submit to a period or periods of incarceration in prison or jail during the probationary term. The period of incarceration cannot exceed one-fourth of the minimum sentence or six months, whichever is less. The term of probation may include special conditions, such as recommendation for work release or serving the active term in an inpatient facility.

As a highly restrictive form of probation, special probation is used primarily for offenders in need of a high level of control and supervision while remaining in the community. Offenders may be placed on special probation from a less restrictive supervision level as a result of the probation violation process. Offenders that are given this sanction are supervised by probation officers of the Division of Community Corrections within the Department of Correction. DCC's Field Operations Policies and Procedures advocate that probation/parole officers approach the supervision of each case by balancing the elements of treatment and control. Officers may serve as brokers of community treatment and educational resources as they supervise the conduct of offenders to ensure compliance with conditions of probation or parole. For each level of supervision, the Department of Correction requires that officers adhere to minimum contact standards.

A case management plan, which has been in effect since September 1, 1999, incorporates two classes of officers: intermediate punishment officers who supervise intermediate punishment level cases and community punishment level probation violators, and community punishment officers who fulfill the more traditional basic probation/parole officer role. The intermediate punishment officers (PPO III and PPO II) are required to conduct the vast majority of offender contacts in the field, away from the relative safety of the office. This intermediate punishment officer (PPO II) has a caseload goal of 60. The intermediate punishment officers specializing in intensive supervision cases (PPO III) carry 25 intensive cases.

Special Probation FY 1998/99

Number of clients (N): 4,377

Age in years:

Mean 29
Median 28

Gender:

%
Male 85.4
Female 14.6

Race:

%
Black 54.1
Non-Black 45.9

Marital Status:

%
Single 62.2
Divorced/Separated 19.6
Married/Widowed 16.9
Other/Unknown 1.3

% with 12 years of education or more: 47.7

Criminal History:

% With Prior Arrest 77.2
Mean Number of Prior Arrests 2.6

Current Offense:

%
Violent Felony 10.9
Property Felony 18.6
Drug Felony 18.0
Other Felony 2.8
Violent Misdemeanor 20.5
Property Misdemeanor 17.9
Drug Misdemeanor 5.4
Other Misdemeanor 5.9

Mean prison time served for current offense in months (prison releases only): N/A

Drug and Mental Health Referrals:

% With Referral 44.2
Mean Number of Referrals 0.8

Risk Level:

%
Low 35.4
Medium 35.2
High 29.4

Recidivist Arrests:

Two-Year Follow-up Period
% With Recidivist Arrest 34.0
Mean Number Recidivist Arrests 0.7

Four-Year Follow-up Period

% With Recidivist Arrest 45.1
Mean Number Recidivist Arrests 1.1

Recidivist Convictions:

Two-Year Follow-up Period
% With Recidivist Conviction 23.0
Mean Number Recidivist Convictions 0.3

Four-Year Follow-up Period

% With Recidivist Conviction 34.2
Mean Number Recidivist Convictions 0.6

Technical Revocations:

Two-Year Follow-up Period
% With Technical Revocation 27.8
Mean Number Technical Revocations 0.3

Four-Year Follow-up Period

% With Technical Revocation 38.8
Mean Number Technical Revocations 0.4

Recidivist Incarcerations:

Two-Year Follow-up Period
% With Recidivist Incarcerations 31.4
Mean Number Recidivist Incarcerations 0.4

Four-Year Follow-up Period

% With Recidivist Incarcerations 42.5
Mean Number Recidivist Incarcerations 0.6

Participation in programs:

%
Probation Entries
SSA Probation - Community Punishment 30.5
SSA Probation - Intermediate Punishment 69.5
Intensive Supervision Probation 34.2
Community Service 40.4
IMPACT 3.4
House Arrest with Electronic Monitoring 6.8

COMMUNITY SERVICE WORK PROGRAM - PROBATION

In existence in North Carolina since 1981, the community service work program offers offenders an opportunity to repay the community for damages resulting from their criminal acts. Community service work requires the offender to work for free for public and nonprofit agencies. It also requires each offender to pay a fee of \$200 to participate in the program. This fee goes to the General Assembly.

Community service work is a community punishment. It can be imposed as the sole condition of probation if the offender's offense class and prior record or conviction level authorize a community punishment as a sentence disposition, or it can be used in conjunction with other sanctions.

Community service staff interview offenders, assign them to work at various agencies, and monitor their progress in the program. After the initial interview, staff are required to have monthly contact with the offender, the agency, or, in the case of supervised probation, the supervising officer. This contact is usually achieved by the offender reporting in person or by telephone to the community service staff or by the staff contacting the agency to check on the offender. If the offender is placed on basic supervised probation or intensive probation, community service staff must report compliance or noncompliance to the probation/parole officer who will take appropriate actions.

Community service work is a statewide program which has been administered by the Division of Community Corrections within the Department of Correction since January 1, 2002. Prior to this date, the program was administered by the Division of Victim and Justice Services in the Department of Crime Control and Public Safety.

Community Service - Probation Entries FY 1998/99

Number of clients (N): 12,999

Age in years:		Recidivist Arrests:	
Mean	26	Two-Year Follow-up Period	
Median	24	% With Recidivist Arrest	30.1
		Mean Number Recidivist Arrests	0.6
Gender:			
	%	Four-Year Follow-up Period	
Male	76.2	% With Recidivist Arrest	41.2
Female	23.8	Mean Number Recidivist Arrests	1.0
Race:			
	%	Recidivist Convictions:	
Black	52.0	Two-Year Follow-up Period	
Non-Black	48.0	% With Recidivist Conviction	19.6
		Mean Number Recidivist Convictions	0.3
Marital Status:			
	%	Four-Year Follow-up Period	
Single	69.8	% With Recidivist Conviction	30.4
Divorced/Separated	14.4	Mean Number Recidivist Convictions	0.5
Married/Widowed	14.4		
Other/Unknown	1.4		
% with 12 years of education or more:			
	47.2	Technical Revocations:	
Criminal History:		Two-Year Follow-up Period	
% With Prior Arrest	72.1	% With Technical Revocation	27.0
Mean Number of Prior Arrests	2.0	Mean Number Technical Revocations	0.3
Current Offense:			
	%	Four-Year Follow-up Period	
Violent Felony	4.7	% With Technical Revocation	35.6
Property Felony	16.8	Mean Number Technical Revocations	0.4
Drug Felony	19.8	Recidivist Incarcerations:	
Other Felony	1.8	Two-Year Follow-up Period	
Violent Misdemeanor	11.7	% With Recidivist Incarcerations	25.1
Property Misdemeanor	29.8	Mean Number Recidivist Incarcerations	0.3
Drug Misdemeanor	9.2		
Other Misdemeanor	6.2	Four-Year Follow-up Period	
Mean prison time served for current offense in months (prison releases only):		% With Recidivist Incarcerations	33.2
	N/A	Mean Number Recidivist Incarcerations	0.4
Drug and Mental Health Referrals:		Participation in programs:	
			%
% With Referral	36.3	Probation Entries	
Mean Number of Referrals	0.6	SSA Probation - Community Punishment	68.5
		SSA Probation - Intermediate Punishment	31.5
		Intensive Supervision Probation	33.7
Risk Level:		Special Probation	13.6
	%	IMPACT	3.8
Low	35.1	House Arrest with Electronic Monitoring	5.1
Medium	40.5		
High	24.4		

INTENSIVE MOTIVATIONAL PROGRAM OF ALTERNATIVE CORRECTIONAL TREATMENT (IMPACT)⁵⁶

The Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) is a condition of special probation (split sentence) in which the offender must serve an active sentence of ninety to 120 days, and then remain on supervised probation.⁵⁷ (Effective December 1, 1998, IMPACT is no longer a condition of special probation but is considered a residential program.) The goal of the IMPACT program is to instill self-confidence, discipline, and a work ethic through a strictly regimented paramilitary program. Boot camps are commonly referred to as shock incarceration programs.

IMPACT, which is administered by the Department of Correction, is an intermediate punishment for male and female offenders between the ages of sixteen and thirty, who are convicted of a Class 1 misdemeanor, Class A1 misdemeanor, or a felony, and who are medically fit. If the offender's class of offense and prior record or conviction level authorize an intermediate punishment as a sentence disposition, the judge has the discretion to place an offender in the IMPACT program. Judges may also sentence an offender to IMPACT from a less restrictive supervision level in response to violations of the conditions of probation.

There are two facilities that offer the IMPACT Program: IMPACT East and IMPACT West. At IMPACT East and West, a maximum of thirty male offenders enter the first of three phases of the IMPACT Program every fourteen days, and every four months a maximum of thirty female offenders enter IMPACT West. Offenders are required to exercise, drill, work, and attend school. In their first two weeks, they devote more than thirty minutes a day to marching drills and are required to march wherever they go for the entire ninety days. They spend more than seven hours a day at work. Much of the work involves clearing land or cleaning property for federal, state, and local government agencies. Offenders receive a battery of tests upon arrival at IMPACT. A determination is then made of their educational level and needs by testing that is performed by community colleges. Individualized instruction is offered by teachers from Richmond Community College for those who do not possess a high school diploma. Offenders who have graduated from high school are put into a tutoring program. They also receive counseling. Instructors help them develop social, job, and budget management skills. Participants normally graduate after successfully completing the ninety day program; however, they can be required to stay for up to 120 days for disciplinary reasons. After graduation from IMPACT, the offender is released to the custody of his probation officer to complete his probation period.

⁵⁶ For the purposes of this study and to be consistent methodologically, all program participation information for probationers was programmed using the Special Conditions and Sanctions table in OPUS. The DOC has used the External Movements table in OPUS for their studies of IMPACT, which yields a higher number of IMPACT participants.

⁵⁷ Effective August 15, 2002, the IMPACT program was eliminated. The female component of IMPACT was abolished effective November 1, 2001.

IMPACT
FY 1998/99

Number of clients (N): 947

Age in years:

Mean 18
Median 18

Gender:

%
Male 93.6
Female 6.4

Race:

%
Black 54.7
Non-Black 45.3

Marital Status:

%
Single 94.3
Divorced/Separated 2.2
Married/Widowed 2.9
Other/Unknown 0.6

% with 12 years of education or more: 22.2

Criminal History:

% With Prior Arrest 81.2
Mean Number of Prior Arrests 1.9

Current Offense:

%
Violent Felony 12.9
Property Felony 30.5
Drug Felony 22.4
Other Felony 3.0
Violent Misdemeanor 6.4
Property Misdemeanor 18.1
Drug Misdemeanor 3.4
Other Misdemeanor 3.3

Mean prison time served for current offense in months (prison releases only): N/A

Drug and Mental Health Referrals:

% With Referral 40.4
Mean Number of Referrals 0.6

Risk Level:

%
Low 6.0
Medium 51.5
High 42.5

Recidivist Arrests:

Two-Year Follow-up Period
% With Recidivist Arrest 45.1
Mean Number Recidivist Arrests 0.9

Four-Year Follow-up Period

% With Recidivist Arrest 61.5
Mean Number Recidivist Arrests 1.7

Recidivist Convictions:

Two-Year Follow-up Period
% With Recidivist Conviction 31.9
Mean Number Recidivist Convictions 0.4

Four-Year Follow-up Period

% With Recidivist Conviction 48.9
Mean Number Recidivist Convictions 0.8

Technical Revocations:

Two-Year Follow-up Period
% With Technical Revocation 38.9
Mean Number Technical Revocations 0.4

Four-Year Follow-up Period

% With Technical Revocation 56.3
Mean Number Technical Revocations 0.7

Recidivist Incarcerations:

Two-Year Follow-up Period
% With Recidivist Incarcerations 88.0
Mean Number Recidivist Incarcerations 1.3

Four-Year Follow-up Period

% With Recidivist Incarcerations 93.0
Mean Number Recidivist Incarcerations 1.6

Participation in programs:

%
Probation Entries
SSA Probation - Community Punishment 40.8
SSA Probation - Intermediate Punishment 59.2
Intensive Supervision Probation 62.8
Special Probation 15.5
Community Service 52.2
House Arrest with Electronic Monitoring 12.9

HOUSE ARREST WITH ELECTRONIC MONITORING

House arrest with electronic monitoring is a special condition of supervised probation, parole, or post-release supervision. The purposes of house arrest with electronic monitoring are to restrict the offender's freedom and movement in the community, increase supervision of convicted offenders, ease prison overcrowding, and save taxpayers money. House arrest with electronic monitoring is available statewide through the Division of Community Corrections within the Department of Correction.

House arrest with electronic monitoring as a condition of supervised probation is an intermediate punishment. If the offender's class of offense and prior record or conviction level authorize an intermediate punishment as a sentence disposition, the judge has the discretion to place an offender on house arrest with electronic monitoring. Judges may also use this sanction in response to an offender's violation of the conditions of probation.

The Post-Release Supervision and Parole Commission may impose house arrest with electronic monitoring for offenders on parole or post-release supervision. They may also modify the conditions for offenders on parole or post-release supervision to reflect the addition of house arrest with electronic monitoring in response to violations.

All house arrest with electronic monitoring cases are supervised by probation and parole officers who respond to violations during regular work hours. Designated electronic house arrest response officers respond to violations after regular work hours.

House arrest with electronic monitoring uses computer technology to monitor and restrict the offender's movement. Other than approved leave to go to work or to receive rehabilitative services, the offender is restricted to his/her home. Through the use of a transmitter strapped to an offender's ankle and linked by telephone lines to a central computer, a continuous signal is emitted. If this signal is interrupted by the offender going beyond the authorized radius of the receiver, the host computer records the date and time of the signal's disappearance. The computer will also record the date and time the signal resumes. If a signal interruption occurs during a period when the probationer or parolee should be at home, the violation is checked by the probation/parole officer or by a designated electronic house arrest response officer.

House Arrest With Electronic Monitoring FY 1998/99

Number of clients (N): 1,382

Age in years:		Recidivist Arrests:	
Mean	27	Two-Year Follow-up Period	
Median	25	% With Recidivist Arrest	33.9
		Mean Number Recidivist Arrests	0.6
Gender:		Four-Year Follow-up Period	
Male	80.3	% With Recidivist Arrest	45.2
Female	19.7	Mean Number Recidivist Arrests	1.0
Race:		Recidivist Convictions:	
Black	54.5	Two-Year Follow-up Period	
Non-Black	45.5	% With Recidivist Conviction	22.9
		Mean Number Recidivist Convictions	0.3
Marital Status:		Four-Year Follow-up Period	
Single	67.8	% With Recidivist Conviction	33.7
Divorced/Separated	16.7	Mean Number Recidivist Convictions	0.5
Married/Widowed	14.7		
Other/Unknown	0.8		
% with 12 years of education or more:		Technical Revocations:	
	45.7	Two-Year Follow-up Period	
Criminal History:		% With Technical Revocation	26.9
% With Prior Arrest	79.0	Mean Number Technical Revocations	0.3
Mean Number of Prior Arrests	2.3	Four-Year Follow-up Period	
Current Offense:		% With Technical Revocation	37.9
Violent Felony	11.1	Mean Number Technical Revocations	0.4
Property Felony	21.5		
Drug Felony	22.6	Recidivist Incarcerations:	
Other Felony	2.2	Two-Year Follow-up Period	
Violent Misdemeanor	11.7	% With Recidivist Incarcerations	31.2
Property Misdemeanor	20.3	Mean Number Recidivist Incarcerations	0.4
Drug Misdemeanor	6.1	Four-Year Follow-up Period	
Other Misdemeanor	4.5	% With Recidivist Incarcerations	42.0
Mean prison time served for current offense in months (prison releases only):		Mean Number Recidivist Incarcerations	0.6
	N/A	Participation in programs:	
Drug and Mental Health Referrals:		Probation Entries	
% With Referral	45.2	SSA Probation - Community Punishment	34.5
Mean Number of Referrals	0.7	SSA Probation - Intermediate Punishment	65.5
		Intensive Supervision Probation	43.9
Risk Level:		Special Probation	21.4
Low	31.2	Community Service	47.7
Medium	40.3	IMPACT	8.8
High	28.5		

PRISON RELEASES (STRUCTURED SENTENCING ACT)

Under the Structured Sentencing Act (SSA), which became effective for those offenses committed on or after October 1, 1994, offenders are released after serving their maximum sentence minus earned time and/or credit for pre-trial (or pre-conviction) confinement.

Since parole was eliminated when Structured Sentencing was enacted, offenders are not subject to any community supervision unless they have been incarcerated for a felony in the range from Class B1 (excluding those offenders sentenced to life without parole) through Class E. Offenders who fall into this range are placed on post-release supervision by the Post-Release Supervision and Parole Commission upon the completion of their prison sentence. Offenders who are placed on post-release supervision are generally supervised for a period of nine months by a probation officer of the Division of Community Corrections within the Department of Correction. Revocation of this term of supervision is authorized only by the Post-Release Supervision and Parole Commission.

**SSA Prison Release
FY 1998/99**

Number of clients (N): 13,409

Age in years:

Mean 30
Median 29

Gender:

%
Male 88.3
Female 11.7

Race:

%
Black 66.0
Non-Black 34.0

Marital Status:

%
Single 65.5
Divorced/Separated 20.7
Married/Widowed 13.7
Other/Unknown 0.1

% with 12 years of education or more: 44.8

Criminal History:

% With Prior Arrest 93.1
Mean Number of Prior Arrests 4.4

Current Offense:

%
Violent Felony 11.2
Property Felony 31.1
Drug Felony 30.6
Other Felony 4.8
Violent Misdemeanor 8.7
Property Misdemeanor 9.4
Drug Misdemeanor 2.8
Other Misdemeanor 1.4

Mean prison time served for current offense in months (prison releases only): 8.5

Drug and Mental Health Referrals:

% With Referral 47.4
Mean Number of Referrals 0.9

Risk Level:

%
Low 14.5
Medium 26.3
High 59.2

Recidivist Arrests:

Two-Year Follow-up Period
% With Recidivist Arrest 43.3
Mean Number Recidivist Arrests 0.9

Four-Year Follow-up Period

% With Recidivist Arrest 56.9
Mean Number Recidivist Arrests 1.6

Recidivist Convictions:

Two-Year Follow-up Period
% With Recidivist Conviction 28.8
Mean Number Recidivist Convictions 0.4

Four-Year Follow-up Period

% With Recidivist Conviction 44.2
Mean Number Recidivist Convictions 0.8

Technical Revocations:

Two-Year Follow-up Period
% With Technical Revocation 13.9
Mean Number Technical Revocations 0.1

Four-Year Follow-up Period

% With Technical Revocation 26.8
Mean Number Technical Revocations 0.3

Recidivist Incarcerations:

Two-Year Follow-up Period
% With Recidivist Incarcerations 27.2
Mean Number Recidivist Incarcerations 0.3

Four-Year Follow-up Period

% With Recidivist Incarcerations 42.8
Mean Number Recidivist Incarcerations 0.6

Participation in programs:

Not Applicable %

PRISON RELEASES (FAIR SENTENCING ACT)⁵⁸

Under the Fair Sentencing Act (FSA), there are several ways that offenders can be released into the community. If offenders are unconditionally released from prison after serving their entire sentence (minus credit for good time, gain time, or pre-conviction confinement), they are considered to be “max-outs.” These offenders are not subject to any community supervision or other conditions of parole.

Parole,⁵⁹ which is another type of prison release for FSA offenders, is a conditional, early release from a prison sentence to community supervision. The purposes of parole are to protect the public and assist the offender in reintegration into the community. Offenders are eligible to be considered for parole by the Post-Release Supervision and Parole Commission, who determines parole release and sets the conditions of parole supervision. These conditions are often similar in nature to probation conditions and may be imposed to further restrict freedom and limit movement in the community, or establish a complete individual treatment plan which addresses the special needs and risk level of the offender (*e.g.*, intensive supervision, community service). Probation/parole officers of the Division of Community Corrections within the Department of Correction supervise offenders while they are on parole. It is ultimately the Post-Release Supervision and Parole Commission that has the authority to revoke or terminate an offender from parole.

Intensive supervision parole is an additional kind of prison release for FSA offenders. It operates in the same manner as regular parole, with the exception that the Post-Release Supervision and Parole Commission authorizes as a condition of parole that an offender be placed on intensive supervision in order to provide more restrictive parameters within the community. If offenders are placed on intensive supervision, they are assigned to an intensive team which is comprised of an intensive probation officer and a surveillance officer, both of whom are staff of the Division of Community Corrections. The Post-Release Supervision and Parole Commission has the authority to revoke or terminate an offender from parole.

Community service parole is available for felons sentenced under FSA for an active sentence of more than six months (except those convicted of a sex offense, kidnapping, abduction of children and drug trafficking). If the Post-Release Supervision and Parole Commission finds an offender eligible for community service parole, it sets community service as a condition of parole and specifies the amount and duration of the community service. Community service work is a statewide program that is administered by the Division of Community Corrections. Community service staff interview offenders, assign them to work at various agencies, and monitor their progress in the program. Community service staff must report compliance or noncompliance to the probation/parole officer who will take appropriate actions.

⁵⁸ The Fair Sentencing Act pertains to offenders who committed their offense prior to October 1, 1994.

⁵⁹ With the onset of Structured Sentencing on October 1, 1994, parole was eliminated for all offenses except for impaired driving offenses, which are not sentenced according to the Structured Sentencing laws.

FSA Prison Release FY 1998/99

Number of clients (N): 5,282

Age in years:		Recidivist Arrests:	
Mean	32	Two-Year Follow-up Period	
Median	31	% With Recidivist Arrest	37.3
		Mean Number Recidivist Arrests	0.8
Gender:			
	%	Four-Year Follow-up Period	
Male	92.3	% With Recidivist Arrest	51.5
Female	7.7	Mean Number Recidivist Arrests	1.3
Race:			
	%	Recidivist Convictions:	
Black	65.7	Two-Year Follow-up Period	
Non-Black	34.3	% With Recidivist Conviction	22.5
		Mean Number Recidivist Convictions	0.3
Marital Status:			
	%	Four-Year Follow-up Period	
Single	62.8	% With Recidivist Conviction	39.1
Divorced/Separated	20.1	Mean Number Recidivist Convictions	0.6
Married/Widowed	16.9		
Other/Unknown	0.2	Technical Revocations:	
		Two-Year Follow-up Period	
% with 12 years of education or more:		% With Technical Revocation	14.1
	49.0	Mean Number Technical Revocations	0.2
Criminal History:			
		Four-Year Follow-up Period	
% With Prior Arrest	94.6	% With Technical Revocation	24.3
Mean Number of Prior Arrests	4.6	Mean Number Technical Revocations	0.3
Current Offense:			
	%	Recidivist Incarcerations:	
Violent Felony	26.7	Two-Year Follow-up Period	
Property Felony	40.6	% With Recidivist Incarcerations	25.5
Drug Felony	23.1	Mean Number Recidivist Incarcerations	0.3
Other Felony	2.0		
Violent Misdemeanor	1.7	Four-Year Follow-up Period	
Property Misdemeanor	4.9	% With Recidivist Incarcerations	40.2
Drug Misdemeanor	0.5	Mean Number Recidivist Incarcerations	0.5
Other Misdemeanor	0.5		
Mean prison time served for current offense in months (prison releases only):		Participation in programs:	
	51.8		%
Drug and Mental Health Referrals:		Not Applicable	
% With Referral	39.2		
Mean Number of Referrals	0.6		
Risk Level:			
	%		
Low	19.3		
Medium	31.0		
High	49.7		

CORRECTIONAL (ACADEMIC) EDUCATION

The academic component of the correctional education program is administered by the Educational Services section within the Department of Correction's (DOC) Division of Prisons (DOP). A collaborative arrangement exists between the DOC and the North Carolina Community College System (NCCCS) for the planning, delivery and cost of the academic education programs. The NCCCS provides teachers for the adult prisons, while the DOP provides teachers for the youth facilities. The academic education program includes the following curricula: Adult Basic Education (ABE), General Education Development (GED), Exceptional Student Program (ESP), Title I Program, and English as a Second Language (ESL). The ABE and GED curricula are the major components of the academic education program (the other three curricula are remedial programs) and provide the course work which prepares an inmate for the high school equivalency (GED) exam.

Inmates are chosen for an education assignment by the program staff and classification committee within the prison where they are housed. This decision is based on a review of the inmate's math and reading levels, age, interest in academics, length of sentence, and history of infractions. An education assignment is generally a priority for inmates in youth facilities who have not obtained their high school diploma or GED. It is federally mandated for inmates who are under the age of 21 and have been identified with a disability to be educationally served in the exceptional student program. Once final approval is given, the inmate is given an education assignment and is placed in classes appropriate to his/her academic functioning. Inmates can be enrolled in classes on a full-time basis, or a part-time basis if the inmate has another assignment within the prison.

Correctional (Academic) Education FY 1998/99

Number of clients (N): 5,208

Age in years:		Recidivist Arrests:	
Mean	28	Two-Year Follow-up Period	
Median	27	% With Recidivist Arrest	44.7
		Mean Number Recidivist Arrests	1.0
Gender:			
	%	Four-Year Follow-up Period	
Male	89.1	% With Recidivist Arrest	59.3
Female	10.9	Mean Number Recidivist Arrests	1.7
Race:			
	%	Recidivist Convictions:	
Black	65.6	Two-Year Follow-up Period	
Non-Black	34.4	% With Recidivist Conviction	28.8
		Mean Number Recidivist Convictions	0.4
Marital Status:			
	%	Four-Year Follow-up Period	
Single	71.2	% With Recidivist Conviction	46.1
Divorced/Separated	15.9	Mean Number Recidivist Convictions	0.8
Married/Widowed	12.7		
Other/Unknown	0.2		
% with 12 years of education or more:		Technical Revocations:	
	24.7	Two-Year Follow-up Period	
Criminal History:		% With Technical Revocation	14.7
% With Prior Arrest	93.0	Mean Number Technical Revocations	0.2
Mean Number of Prior Arrests	4.3	Four-Year Follow-up Period	
Current Offense:		% With Technical Revocation	28.0
	%	Mean Number Technical Revocations	0.3
Violent Felony	23.3	Recidivist Incarcerations:	
Property Felony	37.8	Two-Year Follow-up Period	
Drug Felony	25.4	% With Recidivist Incarcerations	28.2
Other Felony	3.8	Mean Number Recidivist Incarcerations	0.3
Violent Misdemeanor	3.6	Four-Year Follow-up Period	
Property Misdemeanor	4.5	% With Recidivist Incarcerations	45.5
Drug Misdemeanor	1.0	Mean Number Recidivist Incarcerations	0.6
Other Misdemeanor	0.6		
Mean prison time served for current offense in months (prison releases only):		Participation in programs:	%
	31.3	Prison Releases	
Drug and Mental Health Referrals:		SSA Prison Release	58.6
% With Referral	40.8	FSA Prison Release	41.4
Mean Number of Referrals	0.7		
Risk Level:			
	%		
Low	12.9		
Medium	27.1		
High	60.0		

CORRECTION ENTERPRISES

Correction Enterprises is a self-supporting, prison industry program operated by the Department of Correction in various prison units across the state. Correction Enterprises provides the state's inmates with opportunities to learn job skills by producing goods and services for the DOC and other tax-supported entities. At the same time, through offering employment experience to inmates, it aids to instill a work ethic in inmates and to teach or upgrade inmates' job skills so that they have a greater chance of maintaining stable employment upon their release from prison.

A variety of products and services are provided by Correction Enterprises which include: food products, janitorial products, laundry services, linens and apparel, manpower services, metal products, office furnishings, oils and lubricants, optical manufacturing, paints, printing and duplicating services, roadway markings, safety products, signage, and vehicular identification. Selection of inmates for a Correction Enterprises work assignment is generally made by the program staff at the prison unit where the industry is located. Inmates are paid a small hourly wage which is deposited into their trust fund account from which restitution can be paid, costs deducted for medical expenses, fines deducted for disciplinary action, money sent to their families, and money placed in the inmates' canteen accounts.

Correction Enterprises

FY 1998/99

Number of clients (N): 3,639

Age in years:

Mean 32
Median 31

Gender:

%
Male 93.7
Female 6.3

Race:

%
Black 68.7
Non-Black 31.3

Marital Status:

%
Single 63.3
Divorced/Separated 20.5
Married/Widowed 16.0
Other/Unknown 0.2

% with 12 years of education or more: 50.7

Criminal History:

% With Prior Arrest 95.9
Mean Number of Prior Arrests 5.1

Current Offense:

%
Violent Felony 27.6
Property Felony 38.5
Drug Felony 23.5
Other Felony 4.0
Violent Misdemeanor 2.5
Property Misdemeanor 3.1
Drug Misdemeanor 0.6
Other Misdemeanor 0.2

Mean prison time served for current offense in months (prison releases only): 45.7

Drug and Mental Health Referrals:

% With Referral 39.5
Mean Number of Referrals 0.7

Risk Level:

%
Low 15.7
Medium 28.0
High 56.3

Recidivist Arrests:

Two-Year Follow-up Period
% With Recidivist Arrest 42.4
Mean Number Recidivist Arrests 0.9

Four-Year Follow-up Period

% With Recidivist Arrest 57.2
Mean Number Recidivist Arrests 1.5

Recidivist Convictions:

Two-Year Follow-up Period
% With Recidivist Conviction 26.9
Mean Number Recidivist Convictions 0.4

Four-Year Follow-up Period

% With Recidivist Conviction 44.7
Mean Number Recidivist Convictions 0.7

Technical Revocations:

Two-Year Follow-up Period
% With Technical Revocation 14.1
Mean Number Technical Revocations 0.1

Four-Year Follow-up Period

% With Technical Revocation 25.4
Mean Number Technical Revocations 0.3

Recidivist Incarcerations:

Two-Year Follow-up Period
% With Recidivist Incarcerations 27.9
Mean Number Recidivist Incarcerations 0.3

Four-Year Follow-up Period

% With Recidivist Incarcerations 45.2
Mean Number Recidivist Incarcerations 0.6

Participation in programs:

%
Prison Releases
SSA Prison Release 38.2
FSA Prison Release 61.8

DRUG ALCOHOL RECOVERY TREATMENT (DART) - PRISON

The Drug Alcohol Recovery Treatment (DART) program is a five week term of intensive treatment for female and male inmates with alcohol and/or drug addiction problems. The DART program was implemented in 1988 and is operated in selected prison units by the Division of Alcohol and Chemical Dependency of the Department of Correction. DART is based on a modified version of the Minnesota model of treatment which provides inmates with drug and/or alcohol problems an initial opportunity to engage in treatment and early recovery. Programs are generally offered in a medium security prison or area of the prison, so residential and program space is separate from the prisons' other programs or inmate housing.

In each of the prisons that has a DART program, the Division of Alcoholism and Chemical Dependency Program Director is responsible for administering the in-patient treatment program while the warden or superintendent is responsible for all matters pertaining to custody, security and administration of the prison. Inmates generally enter the program by having scored at a certain level on either of the two alcohol and chemical dependency tests which are given to each inmate entering the prison system through a Diagnostic and Reception center. Inmates may also be referred to DART by the sentencing judge, other prison staff, or self-referral.

After inmates have completed DART and have returned to the regular prison population, they are involved in follow-up. A specific plan is developed for each inmate's follow-up, including active involvement with Alcoholics Anonymous, Narcotics Anonymous, community resources and personal sponsorship.

DART-Prison FY 1998/99

Number of clients (N): 5,886

Age in years:		Recidivist Arrests:	
Mean	32	<i>Two-Year Follow-up Period</i>	
Median	32	% With Recidivist Arrest	42.7
		Mean Number Recidivist Arrests	0.9
Gender:			
	%		
Male	89.5	<i>Four-Year Follow-up Period</i>	
Female	10.5	% With Recidivist Arrest	56.8
		Mean Number Recidivist Arrests	1.6
Race:			
	%		
Black	62.2	Recidivist Convictions:	
Non-Black	37.8	<i>Two-Year Follow-up Period</i>	
		% With Recidivist Conviction	28.4
		Mean Number Recidivist Convictions	0.4
Marital Status:			
	%		
Single	59.8	<i>Four-Year Follow-up Period</i>	
Divorced/Separated	24.5	% With Recidivist Conviction	44.4
Married/Widowed	15.6	Mean Number Recidivist Convictions	0.8
Other/Unknown	0.1		
% with 12 years of education or more:			
	49.5	Technical Revocations:	
		<i>Two-Year Follow-up Period</i>	
Criminal History:		% With Technical Revocation	14.0
% With Prior Arrest	96.2	Mean Number Technical Revocations	0.2
Mean Number of Prior Arrests	4.9		
		<i>Four-Year Follow-up Period</i>	
Current Offense:	%	% With Technical Revocation	26.2
Violent Felony	15.4	Mean Number Technical Revocations	0.3
Property Felony	40.8		
Drug Felony	36.0	Recidivist Incarcerations:	
Other Felony	6.3	<i>Two-Year Follow-up Period</i>	
Violent Misdemeanor	0.3	% With Recidivist Incarcerations	27.3
Property Misdemeanor	1.0	Mean Number Recidivist Incarcerations	0.3
Drug Misdemeanor	0.1		
Other Misdemeanor	0.1	<i>Four-Year Follow-up Period</i>	
		% With Recidivist Incarcerations	42.7
Mean prison time served for current offense in months (prison releases only):	21.2	Mean Number Recidivist Incarcerations	0.6
Drug and Mental Health Referrals:		Participation in programs:	%
% With Referral	53.3	<i>Prison Releases</i>	
Mean Number of Referrals	1.0	SSA Prison Release	70.4
		FSA Prison Release	29.6
Risk Level:	%		
Low	13.5		
Medium	26.9		
High	59.6		

SEX OFFENDER ACCOUNTABILITY AND RESPONSIBILITY (SOAR)

The Sex Offender Accountability and Responsibility (SOAR) program, which began in 1991, serves incarcerated male felons who are in need of treatment for sexual crimes. Inmates who are selected to participate in the program must meet certain criteria. These criteria include inmates who: have a felony conviction, are age 21 or older, are in medium or minimum custody, volunteer for the program, admit to committing a sexual offense, do not have a severe mental illness, have at least a 6th grade reading level, and are willing and able to participate in highly confrontational groups as part of the treatment. Inmates who are eligible are identified in their units by the Director of Psychological Services and referred directly to SOAR staff, who then make the final selection of participants.

The program spans two separate 20 week cycles that serve approximately 40 inmates per cycle, or 80 inmates per year. When participants have completed the SOAR program without any significant violations, they are returned to the regular inmate population.

In an effort to create a continuum of care, a Pre-SOAR program exists in a limited number of prisons. Pre-SOAR is not a treatment modality, but an introductory orientation to the program that presents SOAR concepts and vocabulary to inmates. The program requires one to two hours of work per week for a total of 10-16 weeks. Pre-SOAR is directed toward those inmates who qualify for SOAR treatment but who are not chosen due to limited space, or who have special needs (*e.g.*, attention deficit disorder, hearing impaired).

The SOAR program has been funded by the Department of Correction and housed at Harnett Correctional Institution since its inception.

SOAR
FY 1998/99

Number of clients (N): 68

Age in years:

Mean 35
Median 34

Gender:

%
Male 100.0
Female 0.0

Race:

%
Black 35.3
Non-Black 64.7

Marital Status:

%
Single 41.2
Divorced/Separated 33.8
Married/Widowed 25.0
Other/Unknown 0.0

% with 12 years of education or more: 48.5

Criminal History:

% With Prior Arrest 94.1
Mean Number of Prior Arrests 2.5

Current Offense:

%
Violent Felony 92.7
Property Felony 7.3
Drug Felony 0.0
Other Felony 0.0
Violent Misdemeanor 0.0
Property Misdemeanor 0.0
Drug Misdemeanor 0.0
Other Misdemeanor 0.0

Mean prison time served for current offense in months (prison releases only): 63.4

Drug and Mental Health Referrals:

% With Referral 38.2
Mean Number of Referrals 0.6

Risk Level:

%
Low 61.8
Medium 23.5
High 14.7

Recidivist Arrests:

Two-Year Follow-up Period
% With Recidivist Arrest 19.1
Mean Number Recidivist Arrests 0.3

Four-Year Follow-up Period

% With Recidivist Arrest 29.4
Mean Number Recidivist Arrests 0.6

Recidivist Convictions:

Two-Year Follow-up Period
% With Recidivist Conviction 11.8
Mean Number Recidivist Convictions 0.2

Four-Year Follow-up Period

% With Recidivist Conviction 25.0
Mean Number Recidivist Convictions 0.4

Technical Revocations:

Two-Year Follow-up Period
% With Technical Revocation 7.4
Mean Number Technical Revocations 0.1

Four-Year Follow-up Period

% With Technical Revocation 16.2
Mean Number Technical Revocations 0.2

Recidivist Incarcerations:

Two-Year Follow-up Period
% With Recidivist Incarcerations 10.3
Mean Number Recidivist Incarcerations 0.1

Four-Year Follow-up Period

% With Recidivist Incarcerations 22.1
Mean Number Recidivist Incarcerations 0.2

Participation in programs:

%
Prison Releases
SSA Prison Release 23.5
FSA Prison Release 76.5

WORK RELEASE

The Work Release Program provides selected inmates the opportunity for employment in the community during imprisonment, consequently addressing the transitional needs of soon-to-be released inmates. The opportunity for Work Release participation is based on factors such as the sentence received, the sentencing laws under which the offender was sentenced, and the inmate's record of behavior. Work Release is only available to minimum custody inmates who are in the final stage of imprisonment. Inmates are carefully screened for participation and can only be approved for the program by prison managers or the Post-Release Supervision and Parole Commission.

In the Work Release program, inmates are allowed to leave the prison each day to work and are required to return to the prison when their work is finished. The job plan and job site must be reviewed and approved by prison managers. Inmates must work in a supervised setting and cannot work for family members or operate their own businesses. The Work Release employer must receive an orientation from Division of Prison staff, agree to the rules of the program and have Worker's Compensation insurance. Inmates must earn at least minimum wage. Earnings from Work Release wages are used to pay restitution and fines, family support, prison housing and Work Release transportation costs. Any remaining money can be set aside for the inmates to use upon their release from prison.

**Work Release
FY 1998/99**

Number of clients (N): 2,074

Age in years:

Mean 33
Median 34

Gender:

%
Male 91.1
Female 8.9

Race:

%
Black 63.7
Non-Black 36.3

Marital Status:

%
Single 55.1
Divorced/Separated 25.3
Married/Widowed 19.5
Other/Unknown 0.1

% with 12 years of education or more: 52.5

Criminal History:

% With Prior Arrest 95.5
Mean Number of Prior Arrests 4.9

Current Offense:

%
Violent Felony 27.1
Property Felony 33.2
Drug Felony 25.4
Other Felony 8.6
Violent Misdemeanor 1.8
Property Misdemeanor 3.2
Drug Misdemeanor 0.5
Other Misdemeanor 0.2

Mean prison time served for current offense in months (prison releases only): 41.6

Drug and Mental Health Referrals:

% With Referral 42.0
Mean Number of Referrals 0.7

Risk Level:

%
Low 23.1
Medium 29.3
High 47.6

Recidivist Arrests:

Two-Year Follow-up Period
% With Recidivist Arrest 34.5
Mean Number Recidivist Arrests 0.7

Four-Year Follow-up Period

% With Recidivist Arrest 49.5
Mean Number Recidivist Arrests 1.3

Recidivist Convictions:

Two-Year Follow-up Period
% With Recidivist Conviction 21.9
Mean Number Recidivist Convictions 0.3

Four-Year Follow-up Period

% With Recidivist Conviction 37.1
Mean Number Recidivist Convictions 0.6

Technical Revocations:

Two-Year Follow-up Period
% With Technical Revocation 10.1
Mean Number Technical Revocations 0.1

Four-Year Follow-up Period

% With Technical Revocation 18.2
Mean Number Technical Revocations 0.2

Recidivist Incarcerations:

Two-Year Follow-up Period
% With Recidivist Incarcerations 20.0
Mean Number Recidivist Incarcerations 0.2

Four-Year Follow-up Period

% With Recidivist Incarcerations 32.5
Mean Number Recidivist Incarcerations 0.4

Participation in programs:

%
Prison Releases
SSA Prison Release 48.3
FSA Prison Release 51.7

APPENDIX B:
GLOSSARY OF MAJOR
VARIABLES AND
MEASURING OFFENDER RISK

APPENDIX B-1

GLOSSARY OF MAJOR VARIABLES

Adjusted Rearrest Rates: Rearrest rates that take into account the actual time at risk for each offender (*i.e.*, adjusted rearrest rates) were derived by dividing the sum of the actual follow-up time for the sample by the sum of the maximum follow-up time for the sample (e.g., actual days/365 days for the one-year follow-up, actual days/730 days for the two-year follow-up, etc.). This results in a sample size that has been reduced based on time at risk. The number of offenders arrested during the follow-up period was then divided by the reduced sample size, which results in an adjusted rearrest rate that is based on time at risk during the follow-up period.

Age: Age at release from prison or entry to probation.

Current Conviction (Most Serious): Each offender's conviction(s) that placed him/her in the sample as a prison release or a probation entry during FY 1998/99 were ranked in terms of seriousness based on offense class and sentence length. The most serious current conviction, based on these criteria, was used for analysis purposes.

Drug and Mental Health Referrals: The Department of Health and Human Services (DHHS) maintains a confidential database called the Client Services Data Warehouse on all referrals to local programs. A referral indicates that an offender attended at least an initial appointment for mental health, developmental disability, or substance abuse problems. For this report, an offender had to be at least 16 years of age at the time of the referral.

Drug Offenses: This category included trafficking of controlled substances and other offenses involving the sale, delivery, possession, or manufacture of controlled substances.

Education: Self-reported educational status (highest grade level claimed). Education was categorized as a dichotomous variable, with the two categories being less than 12 years of education and 12 years of education or more.

Follow-Up Period: Each offender was tracked for a period of four years to determine whether recidivist arrests, convictions, technical revocations, or incarcerations occurred. The four-year follow-up period was calculated on an individual basis using the prison release date plus four years for prisoners and using the probation entry date plus four years for probationers. Recidivism rates are reported for one-year, two-year, three-year, and four-year follow-up periods. Each follow-up period reported is inclusive of the previous follow-up periods, *e.g.*, the two-year follow-up period contains information on events that occurred during the first and second years of follow-up. As a result, the recidivism rates reported for each follow-up period cannot be added across follow-up periods.

FSA Prison Releases: An offender who was sentenced under the Fair Sentencing Act and was either given an early, conditional release back into the community with supervision, or was unconditionally released from prison (*i.e.*, with no supervision in the community) after serving his/her entire sentence, minus credit for good time, gain time, or pre-conviction confinement.

Marital Status: Marital status was defined in two ways. In the body of the report, marital status was categorized as married or not married. In Appendix A, marital status was categorized as follows: single, divorced/separated, married/widowed, and other/unknown (to be consistent with previous reports).

Offense Type: Offenses were broadly classified into the following categories: violent, property, drug, and other. A definition for each type of offense is also provided in this glossary.

“Other” Offenses: This category consisted of offenses that were not categorized as violent, property, or drug offenses. Examples include prostitution, obscenity, contributing to the delinquency of a minor, and abandonment or non-support of a child.

Prior Arrests: Division of Criminal Information (DCI) fingerprinted arrest data were used to determine prior arrests. Prior arrests were defined as fingerprinted arrests that occurred before the conviction that placed the offender in this sample. Each prior arrest was counted in the category for the offense involved: violent, property, drug, and other. If a prior arrest event (a single arrest date) involved more than one type of offense, it was counted in each offense category. For example: if an offender had two prior arrest events, one arrest event that included a violent charge and a property charge, and another arrest event that included a property charge and a drug charge, that resulted in a count of one prior violent arrest, two prior property arrests, and one prior drug arrest, as well as an overall count of two prior arrests. Arrests for impaired driving or other traffic offenses were excluded from analysis, as were arrests that were not for crimes – for example, arrests for technical violations of probation or parole.

Probation Entries with a Community Punishment (SSA): An offender who was sentenced under the Structured Sentencing Act and received a community punishment. Community punishments may consist of a fine, unsupervised probation (although unsupervised probationers were excluded from the sample), or supervised probation, alone or with one or more of the following conditions: outpatient drug/alcohol treatment, community service, assignment to TASC, payment of restitution, or any other conditions of probation that are not considered an intermediate punishment. Also referred to as probationers with a community punishment or community punishment probationers.

Probation Entries with an Intermediate Punishment (SSA): An offender who was sentenced under the Structured Sentencing Act and received an intermediate punishment. An intermediate punishment requires a period of supervised probation with at least one of the following conditions: special probation, assignment to a residential treatment program, house arrest with electronic monitoring, intensive probation, or assignment to a day reporting center. Also referred to as probationers with an intermediate punishment or intermediate punishment probationers.

Property Offenses: This category included offenses such as burglary, breaking and/or entering, larceny, fraud, forgery and/or uttering, receiving and/or possessing stolen goods, and embezzlement.

Race: Race was categorized as black or non-black. Due to the very small number of offenders who were Hispanic, Asian/Oriental, or Other, these offenders were included with white offenders in the non-black category.

Recidivist Arrests: Division of Criminal Information (DCI) fingerprinted arrest data were used to determine recidivist arrests. Recidivist arrests (also referred to as rearrests) were defined as fingerprinted arrests that occurred after an offender was released from prison or placed on probation for the conviction that placed him/her in the sample. Each rearrest was counted in the category for the offense involved: violent, property, drug, and other. If a rearrest event (a single arrest date) involved more than one type of offense, it was counted in each offense category. For example: if

an offender had two rearrest events, one arrest event that included a violent charge and a property charge, and another arrest event that included a property charge and a drug charge, that resulted in a count of one violent rearrest, two property rearrests, and one drug rearrest, as well as an overall count of two rearrests. Arrests for impaired driving or other traffic offenses were excluded from analysis, as were arrests that were not for crimes – for example, arrests for technical violations of probation or parole.

Recidivist Convictions: Division of Criminal Information (DCI) conviction data were used to determine recidivist convictions. Recidivist convictions (also referred to as reconversions) were defined as convictions that occurred during the follow-up period. Each reconversion was counted in the category for the offense involved: violent, property, drug, and other. If a recidivist conviction event (a single conviction date) involved more than one type of offense, it was counted in each offense category. For example: if an offender had two recidivist conviction events, one conviction event that included a violent charge and a property charge, and another conviction event that included a property charge and a drug charge, that resulted in a count of one violent reconversion, two property reconversions, and one drug reconversion, as well as an overall count of two reconversions. Convictions for impaired driving or other traffic offenses were excluded from analysis.

Recidivist Incarcerations: DOC's OPUS data were used to determine recidivist incarcerations. Recidivist incarcerations, which are also referred to as (re)incarcerations, were defined as incarcerations that occurred during the follow-up period. It must be noted that the data presented on recidivist incarcerations only include incarceration in North Carolina's state prison system. The data do not include periods of incarceration in county jails or incarceration in other states. Incarcerations may have occurred as a result of the sentence imposed for a new crime committed during the follow-up period or due to a technical revocation during the follow-up period.

Risk: Risk was defined as the projected probability of rearrest. The definition of risk used in this study does not measure seriousness of future offenses or offender dangerousness.

SSA Prison Releases: An offender who was sentenced under the Structured Sentencing Act, served his/her maximum sentence minus earned time and time for pre-conviction confinement, and was released back into the community without any supervision. Note: A small number of offenders (n=399 or 3%) in this category received post-release supervision.

Technical Revocations: DOC's OPUS data were used to determine technical revocations. Technical revocations result from failure to comply with the conditions of probation, post-release supervision, or parole (as opposed to a new violation of the law), such as having positive drug tests, failing to attend treatment as ordered, or violating curfew. Revocations are limited to those that are technical in nature since revocations for new crimes would duplicate the recidivist arrest data. Although probationers are the primary population at risk of technical revocation, prisoners may also be at risk of technical revocation as a result of post-release supervision, parole, or due to probation sentences consecutive to their prison sentences or resulting from probation sentences imposed for new crimes committed during the follow-up period.

Time at Risk: Each offender's actual "time at risk" to reoffend during the follow-up period was calculated by identifying their periods of incarceration in North Carolina's prison system within the follow-up time frame and subtracting the time incarcerated from the follow-up period. Since each

county jail maintains its own data, it was not possible to account for time served in county jails during the follow-up period.

Time to Rearrest: Applicable only for offenders who have one or more recidivist arrests during the four-year follow-up period. Time to rearrest was defined as the period of time between the offender's date of release from prison or entry to probation and the date of their first recidivist arrest.

Time to Reconviction: Applicable only for offenders who have one or more recidivist convictions during the four-year follow-up period. Time to reconviction was defined as the period of time between the offender's date of release from prison or entry to probation and the date of their first recidivist conviction.

Time to (Re)incarceration: Applicable only for offenders who have one or more recidivist incarcerations during the four-year follow-up period. Time to (re)incarceration was defined as the period of time between the offender's date of release from prison or entry to probation and the date of their first recidivist incarceration.

Time to Technical Revocation: Applicable only for offenders who have one or more technical revocations during the four-year follow-up period. Time to technical revocation was defined as the period of time between the offender's date of release from prison or entry to probation and the date of their first technical revocation.

Type of Supervision: Type of supervision was defined as an offender's status at entry into the study sample. The four categories of supervision were as follows: SSA probation entries with a community punishment, SSA probation entries with an intermediate punishment, SSA prison releases, and FSA prison releases. A definition for each category is also provided in this glossary.

Violent Offenses: This category included offenses such as murder, rape, voluntary and involuntary manslaughter, kidnaping, robbery, arson, and other burning offenses.

APPENDIX B-2

MEASURING OFFENDER RISK

This section discusses the development of the risk variable used in this report.

Prediction of Risk

Various recidivism risk scales have been developed in the past, mainly for use by parole commissions and similar agencies. Two examples of these risk scales include the Statistical Information on Recidivism (SIR) scale used by Canadian Federal correctional authorities and the Salient Factor Score used by the United States (Federal) Parole Commission. Both risk scales are used to assess parole risk and are quite similar in the type of risk factors they include. Current offense, age, number of prior arrests and/or convictions, number of previous incarcerations, number of times on probation or parole, number of probation/parole revocations, history of escape, and drug dependence are among the factors considered in these scales. A risk score for each offender is computed using these scales.

Previous Sentencing Commission program evaluations have also considered risk (Clarke and Harrison, 1992; NC Sentencing and Policy Advisory Commission, 1998; NC Sentencing and Policy Advisory Commission, 2000; NC Sentencing and Policy Advisory Commission, 2002). These earlier studies found that many of the differences between programs diminished when controlling for risk.

Individual level prediction of risk can be addressed in two basic ways: prospectively or retrospectively. A prospective instrument assigns a risk classification to offenders without making use of recidivism data. This is usually done as a temporary tool prior to the collection of recidivism data (and generally before the offender has the opportunity to recidivate). The North Carolina Department of Correction uses two prospective risk instruments, the inmate classification instrument and the probation risk instrument, primarily to assign appropriate levels of security/supervision to offenders. On the other hand, retrospective risk prediction has the advantage of using known recidivism as the dependent variable. Thus, using regression analysis we can assign a weight to items correlated with recidivism a weight based on their relative effects on the dependent variable. This is the type of risk prediction developed for the current study.

Measuring Risk

In this study risk is a composite measure based on individual characteristics identified in the literature as increasing or decreasing an offender's risk of being rearrested. Developing the risk model was a multi-step process. Once variables to consider were identified, tests for collinearity were performed to exclude variables with multicollinearity. The final list of variables selected to measure risk is shown in Figure B-1.

Figure B-1
Variables Included in Risk

In this study risk is a composite measure based on individual characteristics identified in the literature as increasing or decreasing an offender's risk of being rearrested. These characteristics include:

Social Factors

- Age when placed on probation or released from prison
- Race
- Sex
- Marital status
- Employment status at time of arrest for the offense that placed the offender in the sample
- History of substance abuse

Criminal Record Factors

- Age at first adult arrest
- Length of criminal history
- Number of prior arrests
- Prior drug arrest
- Number of prior incarcerations
- Number of prior probation/parole sentences
- Number of prior probation/parole revocations
- Current offense class
- Current maximum sentence length

Logistic regression was used to determine the impact of the factors shown in Figure B-1 on recidivism. This method allows prediction of a dependent variable that has two categories, in this case, recidivism or no recidivism. The regression model predicted a risk score for each offender and each variable included in the model was weighted based on its relative contribution to recidivism.

In order to differentiate the scores into low-, medium-, and high-risk categories, the scale was divided into terciles. This results in more arbitrary cut-off points and is considered more conservative than other methods (such as visual inspection of scales and division using optimal cut-off points). Offenders in the lowest third were categorized as low risk, the middle third as medium risk, and the highest third as high risk. The risk categories were then used in the multivariate analyses.

Caution should be used in interpreting the results of the risk analysis. The risk model shows the statistical relationship, if any, between the factors included in the model and the probability of rearrest. This does not necessarily mean that the factors used to predict the risk of recidivism are therefore the “causes” of recidivism. Risk prediction is also based on regression coefficients, which only roughly approximate causal ordering among variables. Indirect effects of variables tend to be ignored by regression analyses, identifying only part of the effect of any given variable. Correlations among predictor items, unless they are unduly high, are also ignored in risk instruments but cannot be ignored when determining causality. The recidivism prediction literature clearly shows that multicollinearity exists between the predictor characteristics of recidivism, but, if the magnitude of the correlations is not excessive, researchers are typically content to interpret the coefficients as indicative of a causal effect.

APPENDIX C:
FIELD PROTOCOL FOR
PROBATION REVOCATION
COMPONENT

**FIELD PROTOCOL FOR PROBATION REVOCATION COMPONENT OF
RECIDIVISM STUDY '04 (Revised 3-18-03)**

Date: _____

Name of Interviewee: _____

Title of Interviewee: _____

Judicial District/County _____

NCSPAC Staff: _____

Personal Information

- 1) How long have you been employed by DCC?
- 2) How long have you been in your current position?
- 3) Have you been employed in any other criminal justice-related position(s)? If so, what was it?

Probation Revocation Information

- 1) a) How many offenders do you have on your caseload currently?

b) How many of these are on some type of probation?

c) Has this number changed significantly since July 1, 1998? If yes, why?
- 2) Prior to the change in DCC's policy for handling probation revocations which became effective 3/1/02, describe the process that you used for handling technical probation violations including the factors that were considered when determining the need for a revocation hearing.
- 3) Was there a difference in the way that Community probation violators were dealt with as opposed to Intermediate probation violators (relative to technical violations)? If yes, explain.
- 4) a.) At what point in the process did a CPPO become involved in the probation revocation decision?

b) Was the JDM involved in the process? If so, at what stage?
- 5) (FOR CHIEF PPO'S OR JDM'S) Did all probation officers follow this process? If not, what did these probation officers do differently?
- 6) Was the process altered for offenders who had committed a particular violation or was it basically the same for all violations?
- 7) What other alternatives/interventions, if any, were utilized before a probationer was revoked?
- 8) What was the most common reason(s) for revoking a probationer?

9) What was the approximate percentage of probationers whose revocation hearing resulted in a prison sentence being activated?

10) If the judge did not activate the probationer's sentence, what sanctions (if any) did the judge employ?

APPENDIX D:
FIELD PROTOCOL FOR
DART CHERRY STAFF

**FIELD PROTOCOL FOR DART CHERRY STAFF
RECIDIVISM STUDY '04**

Date: _____

Name of Interviewee: _____

Title of Interviewee: _____

NCSPAC Staff: _____

- 1) How long have you been employed by DART Cherry?
- 2) How long have you been in your current position?
- 3) Have you been employed in any other substance abuse treatment or criminal justice-related position(s)? If so, what was it?
- 4) Do you have any specialized training or certification / formal education? If so, please describe.
- 5) Describe your primary job responsibilities. Which do you regard as the most important one?
- 6) Do you carry a caseload?
If yes,
 - a) How many offenders are on your caseload?
 - b) What are your responsibilities to the offenders on your caseload?
 - c) Do you meet with a supervisor to discuss your cases? If so, how often?
 - d) Do you communicate with other professionals who might be involved with an offender (*i.e.*, probation officer; community college)? If so, describe the involvement.
 - e) What part, if any, are you involved in discharge planning?
 - f) Do you have any involvement with the offender's aftercare program? If so, what?
- 7) Do you enter any data into OPUS? If so, what?
- 8) Have you ever been in what you would consider a dangerous situation since you have been working at DART Cherry? If so, describe.
- 9) Using your definition of effectiveness (*i.e.*, no drug usage, no more offenses, successful integration into community), on a scale of 1 – 10, with 10 being the highest, how would you rate the effectiveness of the DART Cherry program? What is your definition of "effectiveness"? Why did you give DART Cherry the rating that you did?
- 10) What are the main reason(s) that offenders succeed/fail in the program?

11) In your opinion, are there any weaknesses in the DART Cherry program? If so, what are they?

12) In your opinion, what are the strengths of the DART Cherry program?

13) If you could make changes to the program, what would they be?